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THE

WRITINGS AND SPEECHES

OF

THE RIGHT HONOURABLE

EDMUND BURKE

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THE

WRITINGS AND SPEECHES
of
The Right Honourable

EDMUND BURKE

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WARREN HASTINGS, ESQUIRE — *Continued*

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SPEECHES

IN

THE IMPEACHMENT

OF

WARREN HASTINGS, ESQUIRE

LATE GOVERNOR-GENERAL OF BENGAL.

SPEECH IN OPENING.

(CONTINUED.)

FEBRUARY, 1788.

SPEECH

IN

OPENING THE IMPEACHMENT.

THIRD DAY: MONDAY, FEBRUARY 18, 1788.

MY LORDS, — The gentlemen who are appointed by the Commons to manage this prosecution, have directed me to inform your Lordships, that they have very carefully and attentively weighed the magnitude of the subject which they bring before you with the time which the nature and circumstances of affairs allow for their conducting it.

My Lords, on that comparison, they are very apprehensive, that, if I should go very largely into a preliminary explanation of the several matters in charge, it might be to the prejudice of an early trial of the substantial merits of each article. We have weighed and considered this maturely. We have compared exactly the time with the matter, and we have found that we are obliged to do as all men must do who would manage their affairs practicably, to make our opinion of what might be most advantageous to the business conform to the time that is left to perform it in. We must, as all men must, submit affairs to time, and not think of making time conform to our wishes; and therefore, my Lords, I very willingly fall in with the inclinations of the gentlemen with whom I have the honor to act, to come as soon as possible to close fighting, and to grapple immediately

and directly with the corruptions of India, — to bring before your Lordships the direct articles, to apply the evidence to the articles, and to bring the matter forward for your Lordships' decision in that manner which the confidence we have in the justice of our cause demands from the Commons of Great Britain.

My Lords, these are the opinions of those with whom I have the honor to act, and in their opinions I readily acquiesce. For I am far from wishing to waste any of your Lordships' time upon any matter merely through any opinion I have of the nature of the business, when at the same time I find that in the opinion of others it might militate against the production of its full, proper, and (if I may so say) its immediate effect.

It was my design to class the crimes of the late Governor of Bengal, — to show their mutual bearings, — how they were mutually aided and grew and were formed out of each other. I proposed first of all to show your Lordships that they have their root in that which is the origin of all evil, avarice and rapacity, — to show how that led to prodigality of the public money, — and how prodigality of the public money, by wasting the treasures of the East India Company, furnished an excuse to the Governor-General to break its faith, to violate all its most solemn engagements, and to fall with a hand of stern, ferocious, and unrelenting rapacity upon all the allies and dependencies of the Company. But I shall be obliged in some measure to abridge this plan; and as your Lordships already possess, from what I had the honor to state on Saturday, a general view of this matter, you will be in a condition to pursue it when the several articles are presented.

My Lords, I have to state to-day the root of all these misdemeanors, — namely, the pecuniary corruption and avarice which gave rise and primary motion to all the rest of the delinquencies charged to be committed by the Governor-General.

My Lords, pecuniary corruption forms not only, as your Lordships will observe in the charges before you, an article of charge by itself, but likewise so intermixes with the whole, that it is necessary to give, in the best manner I am able, a history of that corrupt system which brought on all the subsequent acts of corruption. I will venture to say there is no one act, in which tyranny, malice, cruelty, and oppression can be charged, that does not at the same time carry evident marks of pecuniary corruption.

I stated to your Lordships on Saturday last the principles upon which Mr. Hastings governed his conduct in India, and upon which he grounds his defence. These may all be reduced to one short word, — *arbitrary power*. My Lords, if Mr. Hastings had contended, as other men have often done, that the system of government which he patronizes, and on which he acted, was a system tending on the whole to the blessing and benefit of mankind, possibly something might be said for him for setting up so wild, absurd, irrational, and wicked a system, — something might be said to qualify the act from the intention; but it is singular in this man, that, at the time he tells you he acted on the principles of arbitrary power, he takes care to inform you that he was not blind to the consequences. Mr. Hastings foresaw that the consequences of this system was corruption. An arbitrary system, indeed, must always be a corrupt one. My Lords, there never was a man who thought he

had no law but his own will, who did not soon find that he had no end but his own profit. Corruption and arbitrary power are of natural unequivocal generation, necessarily producing one another. Mr. Hastings foresees the abusive and corrupt consequences, and then he justifies his conduct upon the necessities of that system. These are things which are new in the world; for there never was a man, I believe, who contended for arbitrary power, (and there have been persons wicked and foolish enough to contend for it,) that did not pretend, either that the system was good in itself, or that by their conduct they had mitigated or had purified it, and that the poison, by passing through their constitution, had acquired salutary properties. But if you look at his defence before the House of Commons, you will see that that very system upon which he governed, and under which he now justifies his actions, did appear to himself a system pregnant with a thousand evils and a thousand mischiefs.

The next thing that is remarkable and singular in the principles upon which the Governor-General acted is, that, when he is engaged in a vicious system which clearly leads to evil consequences, he thinks himself bound to realize all the evil consequences involved in that system. All other men have taken a directly contrary course: they have said, "I have been engaged in an evil system, that led, indeed, to mischievous consequences, but I have taken care, by my own virtues, to prevent the evils of the system under which I acted."

We say, then, not only that he governed arbitrarily, but corruptly,—that is to say, that he was a giver and receiver of bribes, and formed a system for the

purpose of giving and receiving them. We wish your Lordships distinctly to consider that he did not only give and receive bribes accidentally, as it happened, without any system and design, merely as the opportunity or momentary temptation of profit urged him to it, but that he has formed plans and systems of government for the very purpose of accumulating bribes and presents to himself. This system of Mr. Hastings's government is such a one, I believe, as the British nation in particular will disown; for I will venture to say, that, if there is any one thing which distinguishes this nation eminently above another, it is, that in its offices at home, both judicial and in the state, there is less suspicion of pecuniary corruption attaching to them than to any similar offices in any part of the globe, or that have existed at any time: so that he who would set up a system of corruption, and attempt to justify it upon the principle of utility, that man is staining not only the nature and character of office, but that which is the peculiar glory of the official and judicial character of this country; and therefore, in this House, which is eminently the guardian of the purity of all the offices of this kingdom, he ought to be called eminently and peculiarly to account. There are many things, undoubtedly, in crimes, which make them frightful and odious; but bribery, filthy hands, a chief governor of a great empire receiving bribes from poor, miserable, indigent people, this is what makes government itself base, contemptible, and odious in the eyes of mankind.

My Lords, it is certain that even tyranny itself may find some specious color, and appear as a more severe and rigid execution of justice. Religious persecution may shield itself under the guise of a mistaken and

over-zealous piety. Conquest may cover its baldness with its own laurels, and the ambition of the conqueror may be hid in the secrets of his own heart under a veil of benevolence, and make him imagine he is bringing temporary desolation upon a country only to promote its ultimate advantage and his own glory. But in the principles of that governor who makes nothing but money his object there can be nothing of this. There are here none of those specious delusions that look like virtues, to veil either the governed or the governor. If you look at Mr. Hastings's merits, as he calls them, what are they? Did he improve the internal state of the government by great reforms? No such thing. Or by a wise and incorrupt administration of justice? No. Has he enlarged the boundary of our government? No: there are but too strong proofs of his lessening it. But his pretensions to merit are, that he squeezed more money out of the inhabitants of the country than other persons could have done, — money got by oppression, violence, extortion from the poor, or the heavy hand of power upon the rich and great.

These are his merits. What we charge as his demerits are all of the same nature; for, though there is undoubtedly oppression, breach of faith, cruelty, perfidy, charged upon him, yet the great ruling principle of the whole, and that from which you can never have an act free, is money, — it is the vice of base avarice, which never is, nor ever appears even to the prejudices of mankind to be, anything like a virtue. Our desire of acquiring sovereignty in India undoubtedly originated first in ideas of safety and necessity; its next step was a step of ambition. That ambition, as generally happens in conquest, was followed by

gains of money; but afterwards there was no mixture at all; it was, during Mr. Hastings's time, altogether a business of money. If he has extirpated a nation, I will not say whether properly or improperly, it is because (says he) you have all the benefit of conquest without expense; you have got a large sum of money from the people, and you may leave them to be governed by whom and as they will. This is directly contrary to the principles of conquerors. If he has at any time taken any money from the dependencies of the Company, he does not pretend that it was obtained from their zeal and affection to our cause, or that it made their submission more complete: very far from it. He says they ought to be independent, and all that you have to do is to squeeze money from them. In short, money is the beginning, the middle, and the end of every kind of act done by Mr. Hastings: pretendedly for the Company, but really for himself.

Having said so much about the origin, the first principle, both of that which he makes his merit and which we charge as his demerit, the next step is, that I should lay open to your Lordships, as clearly as I can, what the sense of his employers, the East India Company, and what the sense of the legislature itself, has been upon those merits and demerits of money.

My Lords, the Company, knowing that these money transactions were likely to subvert that empire which was first established upon them, did, in the year 1765, send out a body of the strongest and most solemn covenants to their servants, that they should take no presents from the country powers, under any name or description, except those things which were publicly and openly taken for the use of the Company,—

namely, *territories* or *sums of money* which might be obtained by treaty. They distinguished such presents as were taken from any persons privately, and unknown to them, and without their authority, from subsidies: and that this is the true nature and construction of their order I shall contend and explain afterwards to your Lordships. They have said, nothing shall be taken for their private use; for though in that and in every state there may be subsidiary treaties by which sums of money may be received, yet they forbid their servants, their governors, whatever application they might pretend to make of them, to receive, under any other name or pretence, more than a certain, marked, simple sum of money, and this not without the consent and permission of the Presidency to which they belong. This is the substance, the principle, and the spirit of the covenants, and will show your Lordships how radicated an evil this of bribery and presents was judged to be.

When these covenants arrived in India, the servants refused at first to execute them, — and suspended the execution of them, till they had enriched themselves with presents. Eleven months elapsed, and it was not till Lord Clive reached the place of his destination that the covenants were executed: and they were not executed then without some degree of force. Soon afterwards the treaty was made with the country powers by which Sujah ul Dowlah was reëstablished in the province of Oude, and paid a sum of 500,000*l.* to the Company for it. It was a public payment, and there was not a suspicion that a single shilling of private emolument attended it. But whether Mr. Hastings had the example of others or not, their example could not justify his briberies. He was sent there to

put an end to all those examples. The Company did expressly vest him with that power. They declared at that time, that the whole of their service was totally corrupted by bribes and presents, and by extravagance and luxury, which partly gave rise to them, and these, in their turn, enabled them to pursue those excesses. They not only reposed trust in the integrity of Mr. Hastings, but reposed trust in his remarkable frugality and order in his affairs, which they considered as things that distinguished his character. But in his defence we have him quite in another character, — no longer the frugal, attentive servant, bred to business, bred to book-keeping, as all the Company's servants are; he now knows nothing of his own affairs, knows not whether he is rich or poor, knows not what he has in the world. Nay, people are brought forward to say that they know better than he does what his affairs are. He is not like a careful man bred in a counting-house, and by the Directors put into an office of the highest trust on account of the regularity of his affairs; he is like one buried in the contemplation of the stars, and knows nothing of the things in this world. It was, then, on account of an idea of his great integrity that the Company put him into this situation. Since that he has thought proper to justify himself, not by clearing himself of receiving bribes, but by saying that no bad consequences resulted from it, and that, if any such evil consequences did arise from it, they arose rather from his inattention to money than from his desire of acquiring it.

I have stated to your Lordships the nature of the covenants which the East India Company sent out. Afterwards, when they found their servants had re-

fused to execute these covenants, they not only very severely reprehended even a moment's delay in their execution, and threatened the exacting the most strict and rigorous performance of them, but they sent a commission to enforce the observance of them more strongly; and that commission had it specially in charge never to receive presents. They never sent out a person to India without recognizing the grievance, and without ordering that presents should not be received, as the main fundamental part of their duty, and upon which all the rest depended, as it certainly must: for persons at the head of government should not encourage that by example which they ought by precept, authority, and force to restrain in all below them. That commission failing, another commission was preparing to be sent out with the same instructions, when an act of Parliament took it up; and that act, which gave Mr. Hastings power, did mould in the very first stamina of his power this principle, in words the most clear and forcible that an act of Parliament could possibly devise upon the subject. And that act was made not only upon a general knowledge of the grievance, but your Lordships will see in the reports of that time that Parliament had directly in view before them the whole of that monstrous head of corruption under the name of presents, and all the monstrous consequences that followed it.

Now, my Lords, every office of trust, in its very nature, forbids the receipt of bribes. But Mr. Hastings was forbidden it, first, by his official situation, — next, by covenant, — and lastly, by act of Parliament: that is to say, by all the things that bind mankind, or that can bind them, — first, moral obligation inherent

in the duty of their office, — next, the positive injunctions of the legislature of the country, — and lastly, a man's own private, particular, voluntary act and covenant. These three, the great and only obligations that bind mankind, all united in the focus of this single point, — that they should take no presents.

I am to mark to your Lordships, that this law and this covenant did consider indirect ways of taking presents — taking them by others, and such like — directly in the very same light as they considered taking them by themselves. It is perhaps a much more dangerous way; because it adds to the crime a false, prevaricating mode of concealing it, and makes it much more mischievous by admitting others into the participation of it. Mr. Hastings has said, (and it is one of the general complaints of Mr. Hastings,) that he is made answerable for the acts of other men. It is a thing inherent in the nature of his situation. All those who enjoy a great superintending trust, which is to regulate the whole affairs of an empire, are responsible for the acts and conduct of other men, so far as they had anything to do with appointing them, or holding them in their places, or having any sort of inspection into their conduct. But when a Governor presumes to remove from their situations those persons whom the public authority and sanction of the Company have appointed, and obtrudes upon them by violence other persons, superseding the orders of his masters, he becomes doubly responsible for their conduct. If the persons he names should be of notorious evil character and evil principles, and if this should be perfectly known to himself, and of public notoriety to the rest of the world, then another strong responsibility attaches on him for the acts of those persons.

Governors, we know very well, cannot with their own hands be continually receiving bribes, — for then they must have as many hands as one of the idols in an Indian temple, in order to receive all the bribes which a Governor-General may receive, — but they have them vicariously. As there are many offices, so he has had various officers for receiving and distributing his bribes; he has a great many, some white and some black agents. The white men are loose and licentious; they are apt to have resentments, and to be bold in revenging them. The black men are very secret and mysterious; they are not apt to have very quick resentments, they have not the same liberty and boldness of language which characterize Europeans; and they have fears, too, for themselves, which makes it more likely that they will conceal anything committed to them by Europeans. Therefore Mr. Hastings had his black agents, not one, two, three, but many, disseminated through the country: no two of them, hardly, appear to be in the secret of any one bribe. He has had likewise his white agents, — they were necessary, — a Mr. Larkins and a Mr. Croftes. Mr. Croftes was sub-treasurer, and Mr. Larkins accountant-general. These were the last persons of all others that should have had anything to do with bribes; yet these were some of his agents in bribery. There are few instances, in comparison of the whole number of bribes, but there are some, where two men are in the secret of the same bribe. Nay, it appears that there was one bribe divided into different payments at different times, — that one part was committed to one black secretary, another part to another black secretary. So that it is almost impossible to make up a complete body of all his bri-

bery: you may find the scattered limbs, some here and others there; and while you are employed in picking them up, he may escape entirely in a prosecution for the whole.

The first act of his government in Bengal was the most bold and extraordinary that I believe ever entered into the head of any man,—I will say, of any tyrant. It was no more or less than a general, almost exceptless confiscation, in time of profound peace, of all the landed property in Bengal, upon most extraordinary pretences. Strange as this may appear, he did so confiscate it; he put it up to a pretended public, in reality to a private corrupt auction; and such favored landholders as came to it were obliged to consider themselves as not any longer proprietors of the estates, but to recognize themselves as farmers under government: and even those few that were permitted to remain on their estates had their payments raised at his arbitrary discretion; and the rest of the lands were given to farmers-general, appointed by him and his committee, at a price fixed by the same arbitrary discretion.

It is necessary to inform your Lordships that the revenues of Bengal are, for the most part, territorial revenues, great quit-rents issuing out of lands. I shall say nothing either of the nature of this property, of the rights of the people to it, or of the mode of exacting the rents, till that great question of revenues, one of the greatest which we shall have to lay before you, shall be brought before your Lordships particularly and specially as an article of charge. I only mention it now as an exemplification of the great principle of corruption which guided Mr. Hastings's conduct.

When the ancient nobility, the great princes, (for such I may call them,) a nobility, perhaps, as ancient as that of your Lordships, (and a more truly noble body never existed in that character,) — my Lords, when all the nobility, some of whom have borne the rank and port of princes, all the gentry, all the freeholders of the country, had their estates in that manner confiscated, — that is, either given to themselves to hold on the footing of farmers, or totally confiscated, — when such an act of tyranny was done, no doubt some good was pretended. This confiscation was made by Mr. Hastings, and the lands let to these farmers for five years, upon an idea which always accompanies his acts of oppression, the idea of *moneyed merit*. He adopted this mode of confiscating the estates, and letting them to farmers, for the avowed purpose of seeing how much it was possible to take out of them. Accordingly, he set them up to this wild and wicked auction, as it would have been, if it had been a real one, — corrupt and treacherous, as it was, — he set these lands up for the purpose of making that discovery, and pretended that the discovery would yield a most amazing increase of rent. And for some time it appeared so to do, till it came to the touchstone of experience; and then it was found that there was a defalcation from these monstrous raised revenues which were to cancel in the minds of the Directors the wickedness of so atrocious, flagitious, and horrid an act of treachery. At the end of five years what do you think was the failure? No less than 2,050,000*l*. Then a new source of corruption was opened, — that is, how to deal with the balances: for every man who had engaged in these transactions was a debtor to government, and the remission of that

debt depended upon the discretion of the Governor-General. Then the persons who were to settle the composition of that immense debt, who were to see how much was recoverable and how much not, were able to favor, or to exact to the last shilling; and there never existed a doubt but that not only upon the original cruel exaction, but upon the remission afterwards, immense gains were derived. This will account for the manner in which those stupendous fortunes which astonish the world have been made. They have been made, first by a tyrannous exaction from the people who were suffered to remain in possession of their own land as farmers, — then by selling the rest to farmers at rents and under hopes which could never be realized, and then getting money for the relaxation of their debts. But whatever excuse, and however wicked, there might have been for this wicked act, namely, that it carried upon the face of it some sort of appearance of public good, — that is to say, that sort of public good which Mr. Hastings so often professed, of ruining the country for the benefit of the Company, — yet, in fact, this business of balances is that *nidus* in which have been nustled and bred and born all the corruptions of India, first by making extravagant demands, and afterwards by making corrupt relaxations of them.

Besides this monstrous failure, in consequence of a miserable exaction by which more was attempted to be forced from the country than it was capable of yielding, and this by way of experiment, when your Lordships come to inquire who the farmers-general of the revenue were, you would naturally expect to find them to be the men in the several countries who had the most interest, the greatest wealth, the best knowl-

edge of the revenue and resources of the country in which they lived. These would be thought the natural, proper farmers-general of each district. No such thing, my Lords. They are found in the body of people whom I have mentioned to your Lordships. They were almost all let to Calcutta banians. Calcutta banians were the farmers of almost the whole. They sub-delegated to others, who sometimes had sub-delegates under them *ad infinitum*. The whole formed a system together, through the succession of black tyrants scattered through the country, in which you at last find the European at the end, sometimes indeed not hid very deep, not above one between him and the farmer, namely, his banian directly, or some other black person to represent him. But some have so managed the affair, that, when you inquire who the farmer is, — Was such a one farmer? No. Cantoo Baboo? No. Another? No, — at last you find three deep of fictitious farmers, and you find the European gentlemen, high in place and authority, the real farmers of the settlement. So that the zemindars were dispossessed, the country racked and ruined, for the benefit of an European, under the name of a farmer: for you will easily judge whether these gentlemen had fallen so deeply in love with the banians, and thought so highly of their merits and services, as to reward *them* with all the possessions of the great landed interest of the country. Your Lordships are too grave, wise, and discerning, to make it necessary for me to say more upon that subject. Tell me that the banians of English gentlemen, dependants on them at Calcutta, were the farmers throughout, and I believe I need not tell your Lordships for whose benefit they were farmers.

But there is one of these who comes so nearly, indeed so precisely, within this observation, that it is impossible for me to pass him by. Whoever has heard of Mr. Hastings's name, with any knowledge of Indian connections, has heard of his banian, Cantoo Baboo. This man is well known in the records of the Company, as his agent for receiving secret gifts, confiscations, and presents. You would have imagined that he would at least have kept *him* out of these farms, in order to give the measure a color at least of disinterestedness, and to show that this whole system of corruption and pecuniary oppression was carried on for the benefit of the Company. The Governor-General and Council made an ostensible order by which no collector, or person concerned in the revenue, should have any connection with these farms. This order did not include the Governor-General in the words of it, but more than included him in the spirit of it; because his power to protect a farmer-general in the person of his own servant was infinitely greater than that of any subordinate person. Mr. Hastings, in breach of this order, gave farms to his own banian. You find him the farmer of great, of vast and extensive farms. Another regulation that was made on that occasion was, that no farmer should have, except in particular cases, which were marked, described, and accurately distinguished, a greater farm than what paid 10,000*l.* a year to government. Mr. Hastings, who had broken the first regulation by giving any farm at all to his banian, finding himself bolder, broke the second too, and, instead of 10,000*l.*, gave him farms paying a revenue of 130,000*l.* a year to government. Men undoubtedly have been known to be under the dominion of their domestics; such

things have happened to great men: they never have happened justifiably in my opinion. They have never happened excusably; but we are acquainted sufficiently with the weakness of human nature to know that a domestic who has served you in a near office long, and in your opinion faithfully, does become a kind of relation; it brings on a great affection and regard for his interest. Now was this the case with Mr. Hastings and Cantoo Baboo? Mr. Hastings was just arrived at his government, and Cantoo Baboo had been but a year in his service; so that he could not in that time have contracted any great degree of friendship for him. These people do not live in your house; the Hindoo servants never sleep in it; they cannot eat with your servants; they have no second table, in which they can be continually about you, to be domesticated with yourself, a part of your being, as people's servants are to a certain degree. These persons live all abroad; they come at stated hours upon matters of business, and nothing more. But if it had been otherwise, Mr. Hastings's connection with Cantoo Baboo had been but of a year's standing; he had before served in that capacity Mr. Sykes, who recommended him to Mr. Hastings. Your Lordships, then, are to judge whether such outrageous violations of all the principles by which Mr. Hastings pretended to be guided in the settlement of these farms were for the benefit of this old, decayed, affectionate servant of one year's standing: your Lordships will judge of that.

I have here spoken only of the beginning of a great, notorious system of corruption, which branched out so many ways and into such a variety of abuses, and has afflicted that kingdom with such horrible evils

from that day to this, that I will venture to say it will make one of the greatest, weightiest, and most material parts of the charge that is now before you; as I believe I need not tell your Lordships that an attempt to set up the whole landed interest of a kingdom to auction must be attended, not only in that act, but every consequential act, with most grievous and terrible consequences.

My Lords, I will now come to a scene of peculation of another kind: namely, a peculation by the direct sale of offices of justice, — by the direct sale of the successions of families, — by the sale of guardianships and trusts, held most sacred among the people of India: by the sale of them, not, as before, to farmers, not, as you might imagine, to near relations of the families, but a sale of them to the unfaithful servants of those families, their own perfidious servants, who had ruined their estates, who, if any balances had accrued to the government, had been the cause of those debts. Those very servants were put in power over their estates, their persons, and their families, by Mr. Hastings, for a shameful price. It will be proved to your Lordships, in the course of this business, that Mr. Hastings has done this in another sacred trust, the most sacred trust a man can have, — that is, in the case of those *vakeels*, (as they call them,) agents, or attorneys, who had been sent to assert and support the rights of their miserable masters before the Council-General. It will be proved that these vakeels were by Mr. Hastings, for a price to be paid for it, put in possession of the very power, situation, and estates of those masters who sent them to Calcutta to defend them from wrong and violence. The selling offices of justice, the sale of succession in families, of

guardianships and other sacred trusts, the selling masters to their servants, and principals to the attorneys they employed to defend themselves, were all parts of the same system; and these were the horrid ways in which he received bribes beyond any common rate.

When Mr. Hastings was appointed in the year 1773 to be Governor-General of Bengal, together with Mr. Barwell, General Clavering, Colonel Monson, and Mr. Francis, the Company, knowing the former corrupt state of their service, (but the whole corrupt system of Mr. Hastings at that time not being known or even suspected at home,) did order them, in discharge of the spirit of the act of Parliament, to make an inquiry into all manner of corruptions and malversations in office, without the exception of any persons whatever. Your Lordships are to know that the act did expressly authorize the Court of Directors to frame a body of instructions, and to give orders to their new servants appointed under the act of Parliament, lest it should be supposed that they, by their appointment under the act, could supersede the authority of the Directors. The Directors, sensible of the power left in them over their servants by the act of Parliament, though their nomination was taken from them, did, agreeably to the spirit and power of that act, give this order.

The Council consisted of two parties: Mr. Hastings and Mr. Barwell, who were chosen and kept there upon the idea of their local knowledge; and the other three, who were appointed on account of their great parts and known integrity. And I will venture to say that those three gentlemen did so execute their duty in India, in all the substantial parts

of it, that they will serve as a shield to cover the honor of England, whenever this country is upbraided in India.

They found a rumor running through the country of great peculations and oppressions. Soon after, when it was known what their instructions were, and that the Council was ready, as is the first duty of all governors, even when there is no express order, to receive complaints against the oppressions and corruptions of government in any part of it, they found such a body (and that body shall be produced to your Lordships) of corruption and peculation in every walk, in every department, in every situation of life, in the sale of the most sacred trusts, and in the destruction of the most ancient families of the country, as I believe in so short a time never was unveiled since the world began.

Your Lordships would imagine that Mr. Hastings would at least ostensibly have taken some part in endeavoring to bring these corruptions before the public, or that he would at least have acted with some little management in his opposition. But, alas! it was not in his power; there was not one, I think, but I am sure very few, of these general articles of corruption, in which the most eminent figure in the crowd, the principal figure as it were in the piece, was not Mr. Hastings himself. There were a great many others involved; for all departments were corrupted and vitiated. But you could not open a page in which you did not see Mr. Hastings, or in which you did not see Cantoo Baboo. Either the black or white side of Mr. Hastings constantly was visible to the world in every part of these transactions.

With the other gentlemen, who were visible too,

I have at present no dealing. Mr. Hastings, instead of using any management on that occasion, instantly set up his power and authority, directly against the majority of the Council, directly against his colleagues, directly against the authority of the East India Company and the authority of the act of Parliament, to put a dead stop to all these inquiries. He broke up the Council, the moment they attempted to perform this part of their duty. As the evidence multiplied upon him, the daring exertions of his power in stopping all inquiries increased continually. But he gave a credit and authority to the evidence by these attempts to suppress it.

Your Lordships have heard that among the body of the accusers of this corruption there was a principal man in the country, a man of the first rank and authority in it, called Nundcomar, who had the management of revenues amounting to 150,000*l.* a year, and who had, if really inclined to play the small game with which he has been charged by his accusers, abundant means to gratify himself in playing great ones; but Mr. Hastings has himself given him, upon the records of the Company, a character which would at least justify the Council in making some inquiry into charges made by him.

First, he was perfectly competent to make them, because he was in the management of those affairs from which Mr. Hastings is supposed to have received corrupt emolument. He and his son were the chief managers in those transactions. He was therefore perfectly competent to it. — Mr. Hastings has cleared his character; for though it is true, in the contradictions in which Mr. Hastings has entangled himself, he has abused and insulted him, and particularly after

his appearance as an accuser, yet before this he has given this testimony of him, that the hatred that had been drawn upon him, and the general obloquy of the English nation, was on account of his attachment to his own prince and the liberties of his country. Be he what he might, I am not disposed, nor have I the least occasion, to defend either his conduct or his memory.

It is to no purpose for Mr. Hastings to spend time in idle objections to the character of Nundcomar. Let him be as bad as Mr. Hastings represents him. I suppose he was a caballing, bribing, intriguing politician, like others in that country, both black and white. We know associates in dark and evil actions are not generally the best of men; but be that as it will, it generally happens that they are the best of all discoverers. If Mr. Hastings were the accuser of Nundcomar, I should think the presumptions equally strong against Nundcomar, if he had acted as Mr. Hastings has acted. — He was not only competent, but the most competent of all men to be Mr. Hastings's accuser. But Mr. Hastings has himself established both his character and his competency by employing him against Mahomed Reza Khân. He shall not blow hot and cold. In what respect was Mr. Hastings better than Mahomed Reza Khân, that the whole rule, principle, and system of accusation and inquiry should be totally reversed in general, nay, reversed in the particular instance, the moment he became accuser against Mr. Hastings? — Such was the accuser. He was the man that gave the bribes, and, in addition to his own evidence, offers proof by other witnesses.

What was the accusation? Was the accusation improbable, either on account of the subject-matter

or the actor in it? Does such an appointment as that of Munny Begum, in the most barefaced evasion of his orders, appear to your Lordships a matter that contains no just presumptions of guilt, so that, when a charge of bribery comes upon it, you are prepared to reject it, as if the action were so clear and proper that no man could attribute it to an improper motive? And as to the man, — is Mr. Hastings a man against whom a charge of bribery is improbable? Why, he owns it. He is a professor of it. He reduces it into scheme and system. He glories in it. He turns it to merit, and declares it is the best way of supplying the exigencies of the Company. Why, therefore, should it be held improbable? — But I cannot mention this proceeding without shame and horror.

My Lords, when this man appeared as an accuser of Mr. Hastings, if he was a man of bad character, it was a great advantage to Mr. Hastings to be accused by a man of that description. There was no likelihood of any great credit being given to him.

This person, who, in one of those sales of which I have already given you some account in the history of the last period of the revolutions of Bengal, had been, or thought he had been, cheated of his money, had made some discoveries, and been guilty of that great irremissible sin in India, the disclosure of peculation. He afterwards came with a second disclosure, and was likely to have odium enough upon the occasion. He directly charged Mr. Hastings with the receipt of bribes, amounting together to about 40,000*l.* sterling, given by himself, on his own account and that of Munny Begum. The charge was accompanied with every particular which could facilitate proof or detection, — time, place, persons, species, to

whom paid, by whom received. Here was a fair opportunity for Mr. Hastings at once to defeat the malice of his enemies and to clear his character to the world. His course was different. He railed much at the accuser, but did not attempt to refute the accusation. He refuses to permit the inquiry to go on, attempts to dissolve the Council, commands his banian not to attend. The Council, however, goes on, examines to the bottom, and resolves that the charge was proved, and that the money ought to go to the Company. Mr. Hastings then broke up the Council, — I will not say whether legally or illegally. The Company's law counsel thought he might legally do it; but he corruptly did it, and left mankind no room to judge but that it was done for the screening of his own guilt: for a man may use a legal power corruptly, and for the most shameful and detestable purposes. And thus matters continued, till he commenced a criminal prosecution against this man, — this man whom he dared not meet as a defendant.

Mr. Hastings, instead of answering the charge, attacks the accuser. Instead of meeting the man in front, he endeavored to go round, to come upon his flanks and rear, but never to meet him in the face, upon the ground of his accusation, as he was bound by the express authority of law and the express injunctions of the Directors to do. If the bribery is not admitted on the evidence of Nundcomar, yet his suppressing it is a crime, a violation of the orders of the Court of Directors. He disobeyed those instructions; and if it be only for disobedience, for rebellion against his masters, (putting the corrupt motive out of the question,) I charge him for this disobedience, and especially on account of the principles upon which he proceeded in it.

Then he took another step: he accused Nundcomar of a conspiracy, — which was a way he then and ever since has used, whenever means were taken to detect any of his own iniquities.

And here it becomes necessary to mention another circumstance of history: that the legislature, not trusting entirely to the Governor-General and Council, had sent out a court of justice to be a counter security against these corruptions, and to detect and punish any such misdemeanors as might appear. And this court I take for granted has done great services.

Mr. Hastings flew to this court, which was meant to protect in their situations informers against bribery and corruption, rather than to protect the accused from any of the preliminary methods which must indispensably be used for the purpose of detecting their guilt, — he flew to this court, charging this Nundcomar and others with being conspirators.

A man might be convicted as a conspirator, and yet afterwards live; he might put the matter into other hands, and go on with his information; nothing less than *stone-dead* would do the business. And here happened an odd concurrence of circumstances. Long before Nundcomar preferred his charge, he knew that Mr. Hastings was plotting his ruin, and that for this purpose he had used a man whom he, Nundcomar, had turned out of doors, called Mohun Persaud. Mr. Hastings had seen papers put upon the board, charging him with this previous plot for the destruction of Nundcomar; and this identical person, Mohun Persaud, whom Nundcomar had charged as Mr. Hastings's associate in plotting his ruin, was now again brought forward as the principal evidence

against him. I will not enter (God forbid I should!) into the particulars of the subsequent trial of Nundcomar; but you will find the marks and characters of it to be these. You will find a close connection between Mr. Hastings and the chief-justice, which we shall prove. We shall prove that one of the witnesses who appeared there was a person who had been before, or has since been, concerned with Mr. Hastings in his most iniquitous transactions. You will find, what is very odd, that in this trial for forgery with which this man stood charged, forgery in a private transaction, all the persons who were witnesses or parties to it had been, before or since, the particular friends of Mr. Hastings, — in short, persons from that rabble with whom Mr. Hastings was concerned, both before and since, in various transactions and negotiations of the most criminal kind. But the law took its course. I have nothing more to say than that the man is gone, — hanged justly, if you please; and that it did so happen, — luckily for Mr. Hastings, — it so happened, that the relief of Mr. Hastings, and the justice of the court, and the resolution never to relax its rigor, did all concur just at a happy nick of time and moment; and Mr. Hastings, accordingly, had the full benefit of them all.

His accuser was supposed to be what men may be, and yet very competent for accusers, namely, one of his accomplices in guilty actions, — one of those persons who may have a great deal to say of bribes. All that I contend for is, that he was in the closest intimacy with Mr. Hastings, was in a situation for giving bribes, — and that Mr. Hastings was proved afterwards to have received a sum of money from him, which may be well referred to bribes.

This example had its use in the way in which it was intended to operate, and in which alone it could operate. It did not discourage forgeries: they went on at their usual rate, neither more nor less: but it put an end to all accusations against all persons in power for any corrupt practice. Mr. Hastings observes, that no man in India complains of him. It is generally true. The voice of all India is stopped. All complaint was strangled with the same cord that strangled Nundcomar. This murdered not only that accuser, but all future accusation; and not only defeated, but totally vitiated and reversed all the ends for which this country, to its eternal and indelible dishonor, had sent out a pompous embassy of justice to the remotest parts of the globe.

But though Nundcomar was put out of the way by the means by which *he* was removed, a part of the charge was not strangled with him. Whilst the process against Nundcomar was carrying on before Sir Elijah Impey, the process was continuing against Mr. Hastings in other modes; the receipt of a part of those bribes from Munny Begum, to the amount of 15,000*l.*, was proved against him, and that a sum to the same amount was to be paid to his associate, Mr. Middleton. As it was proved at Calcutta, so it will be proved at your Lordships' bar to your entire satisfaction by records and living testimony now in England. It was, indeed, obliquely admitted by Mr. Hastings himself.

The excuse for this bribe, fabricated by Mr. Hastings, and taught to Munny Begum, when he found that she was obliged to prove it against him, was, that it was given to him for his entertainment, according to some pretended custom, at the rate of

200*l.* sterling a day, whilst he remained at Moorshedabad. My Lords, this leads me to a few reflections on the apology or defence of this bribe. We shall certainly, I hope, render it clear to your Lordships that it was not paid in this manner as a daily allowance, but given in a gross sum. But take it in his own way, it was no less illegal, and no less contrary to his covenant; but if true under the circumstances, it was an horrible aggravation of his crime. The first thing that strikes is, that visits from Mr. Hastings are pretty severe things, and hospitality at Moorshedabad is an expensive virtue, though for provision it is one of the cheapest countries in the universe. No wonder that Mr. Hastings lengthened his visit, and made it extend near three months. Such hosts and such guests cannot be soon parted. Two hundred pounds a day for a visit! It is at the rate of 73,000*l.* a year for himself; and as I find his companion was put on the same allowance, it will be 146,000*l.* a year for hospitality to two English gentlemen. I believe that there is not a prince in Europe who goes to such expensive hospitality of splendor.

But that you may judge of the true nature of this hospitality of corruption, I must bring before you the business of the visitor and the condition of the host, as stated by Mr. Hastings himself, who best knows what he was doing. He was, then, at the old capital of Bengal at the time of this expensive entertainment, on a business of retrenchment, and for the establishment of a most harsh, rigorous, and oppressive economy. He wishes the task were assigned to spirits of a less gentle kind. By Mr. Hastings's account, he was giving daily and hourly wounds to his humanity in depriving of their sustenance hundreds of persons of

the ancient nobility of a great fallen kingdom. Yet it was in the midst of this galling duty, it was at that very moment of his tender sensibility, that, from the collected morsels plucked from the famished mouths of hundreds of decayed, indigent, and starving nobility, he gorged his ravenous maw with 200*l.* a day for his entertainment. In the course of all this proceeding your Lordships will not fail to observe he is never corrupt, but he is cruel; he never dines with comfort, but where he is sure to create a famine. He never robs from the loose superfluity of standing greatness; he devours the fallen, the indigent, the necessitous. His extortion is not like the generous rapacity of the princely eagle, who snatches away the living, struggling prey; he is a vulture, who feeds upon the prostrate, the dying, and the dead. As his cruelty is more shocking than his corruption, so his hypocrisy has something more frightful than his cruelty; for whilst his bloody and rapacious hand signs proscriptions, and now sweeps away the food of the widow and the orphan, his eyes overflow with tears, and he converts the healing balm that bleeds from wounded humanity into a rancorous and deadly poison to the race of man.

Well, there was an end to this tragic entertainment, this feast of Tantalus. The few left on the pension-list, the poor remnants that had escaped, were they paid by his administratrix and deputy, Munny Begum? Not a shilling. No fewer than forty-nine petitions, mostly from the widows of the greatest and most splendid houses of Bengal, came before the Council, praying in the most deplorable manner for some sort of relief out of the pittance assigned them. His colleagues, General Clavering, Colonel Monson, and Mr.

Francis, men who, when England is reproached for the government of India, will, I repeat it, as a shield be held up between this nation and infamy, did, in conformity to the strict orders of the Directors, appoint Mahomed Reza Khân to his old offices, that is, to the general superintendency of the household and the administration of justice, a person who by his authority might keep some order in the ruling family and in the state. The Court of Directors authorized them to assure those offices to him, with a salary reduced indeed to 30,000*l.* a year, during his good behavior. But Mr. Hastings, as soon as he obtained a majority by the death of the two best men ever sent to India, notwithstanding the orders of the Court of Directors, in spite of the public faith solemnly pledged to Mahomed Reza Khân, without a shadow of complaint, had the audacity to dispossess him of all his offices, and appoint his bribing patroness, the old dancing-girl, Munny Begum, once more to the viceroyalty and all its attendant honors and functions.

The pretence was more insolent and shameless than the act. Modesty does not long survive innocence. He brings forward the miserable pageant of the Nabob, as he called him, to be the instrument of his own disgrace, and the scandal of his family and government. He makes him to pass by his mother, and to petition us to appoint Munny Begum once more to the administration of the viceroyalty. He distributed Mahomed Reza Khân's salary as a spoil.

When the orders of the Court to restore Mahomed Reza Khân, with their opinion on the corrupt cause of his removal, and a second time to pledge to him the public faith for his continuance, were received,

Mr. Hastings, who had been just before a pattern of obedience, when the despoiling, oppressing, imprisoning, and persecuting this man was the object, yet, when the order was of a beneficial nature, and pleasant to a well-formed mind, he at once loses all his old principles, he grows stubborn and refractory, and refuses obedience. And in this sullen, uncomplying mood he continues, until, to gratify Mr. Francis, in an agreement on some of their differences, he consented to his proposition of obedience to the appointment of the Court of Directors. He grants to his arrangement of convenience what he had refused to his duty, and replaces that magistrate. But mark the double character of the man, never true to anything but fraud and duplicity. At the same time that he publicly replaces this magistrate, pretending compliance with his colleague and obedience to his masters, he did, in defiance of his own and the public faith, privately send an assurance to the Nabob, that is, to Munny Begum, — informs her that he was compelled by necessity to the present arrangement in favor of Mahomed Reza Khân, but that on the first opportunity he would certainly displace him again. And he kept faith with his corruption; and to show how vainly any one sought protection in the lawful authority of this kingdom, he displaced Mahomed Reza Khân from the lieutenancy and controllership, leaving him only the judicial department miserably curtailed.

But does he adhere to his old pretence of freedom to the Nabob? No such thing. He appoints an absolute master to him under the name of Resident, a creature of his personal favor, Sir John D'Oyly, from whom there is not one syllable of correspondence

and not one item of account. How grievous this yoke was to that miserable captive appears by a paper of Mr. Hastings, in which he acknowledges that the Nabob had offered, out of the 160,000*l.* payable to him yearly, to give up to the Company no less than 40,000*l.* a year, in order to have the free disposal of the rest. On this all comment is superfluous. Your Lordships are furnished with a standard by which you may estimate his real receipt from the revenue assigned to him, the nature of the pretended Residency, and its predatory effects. It will give full credit to what was generally rumored and believed, that substantially and beneficially the Nabob never received fifty out of the one hundred and sixty thousand pounds; which will account for his known poverty and wretchedness, and that of all about him.

Thus by his corrupt traffic of bribes with one scandalous woman he disgraced and enfeebled the native Mahomedan government, captived the person of the sovereign, and ruined and subverted the justice of the country. What is worse, the steps taken for the murder of Nundcomar, his accuser, have confirmed and given sanction not only to the corruptions then practised by the Governor-General, but to all of which he has since been guilty. This will furnish your Lordships with some general idea which will enable you to judge of the bribe for which he sold the country government.

Under this head you will have produced to you full proof of his sale of a judicial office to a person called Khân Jehan Khân, and the modes he took to frustrate all inquiry on that subject, upon a wicked and false pretence, that, according to his religious scruples, he could not be sworn.

The great end and object I have in view is to show the criminal tendency, the mischievous nature of these crimes, and the means taken to elude their discovery. I am now giving your Lordships that general view which may serve to characterize Mr. Hastings's administration in all the other parts of it.

It was not true in fact, as Mr. Hastings gives out, that there was nothing now against him, and that, when he had got rid of Nundcomar and his charge, he got rid of the whole. No such thing. An immense load of charges of bribery remained. They were coming afterwards from every part of the province; and there was no office in the execution of justice which he was not accused of having sold in the most flagitious manner.

After all this thundering the sky grew calm and clear, and Mr. Hastings sat with recorded peculation, with peculation proved upon oath on the minutes of that very Council, — he sat at the head of that Council and that board where his peculations were proved against him. These were afterwards transmitted and recorded in the registers of his masters, as an eternal monument of his corruption, and of his high disobedience, and flagitious attempts to prevent a discovery of the various peculations of which he had been guilty, to the disgrace and ruin of the country committed to his care.

Mr. Hastings, after the execution of Nundcomar, if he had intended to make even a decent and commonly sensible use of it, would naturally have said, "This man is justly taken away who has accused me of these crimes; but as there are other witnesses, as there are other means of a further inquiry, as the man is gone of whose perjuries I might have reason to be afraid,

let us now go into the inquiry." I think he did very ill not to go into the inquiry when the man was alive; but be it so, that he was afraid of him, and waited till he was removed, why not afterwards go into such an inquiry? Why not go into an inquiry of all the other peculations and charges upon him, which were innumerable, one of which I have just mentioned in particular, the charge of Munny Begum, of having received from her, or her adopted son, a bribe of 40,000*l.*?

Is it fit for a governor to say, will Mr. Hastings say before this august assembly, "I may be accused in a court of justice, — I am upon my defence, — let all charges remain against me, — I will not give you an account"? Is it fit that a governor should sit with recorded bribery upon him at the head of a public board and the government of a great kingdom, when it is in his power by inquiry to do it away? No: the chastity of character of a man in that situation ought to be as dear to him as his innocence. Nay, more depended upon it. His innocence regarded himself; his character regarded the public justice, regarded his authority, and the respect due to the English in that country. I charge it upon him, that not only did he suppress the inquiry to the best of his power, (and it shall be proved,) but he did not in any one instance endeavor to clear off that imputation and reproach from the English government. He went further; he never denied hardly any of those charges at the time. They are so numerous that I cannot be positive; some of them he might meet with some sort of denial, but the most part he did not.

The first thing a man under such an accusation owes to the world is to deny the charge; next, to put it to the proof; and lastly, to let inquiry freely go on.

He did not permit this, but stopped it all in his power. I am to mention some exceptions, perhaps, hereafter, which will tend to fortify the principle tenfold.

He promised, indeed, the Court of Directors (to whom he never denied the facts) a full and liberal explanation of these transactions; which full and liberal explanation he never gave. Many years passed; even Parliament took notice of it; and he never gave them a liberal explanation, or any explanation at all of them. A man may say, "I am threatened with a suit in a court, and it may be very disadvantageous to me, if I disclose my defence." That is a proper answer for a man in common life, who has no particular character to sustain; but is that a proper answer for a governor accused of bribery, that accusation transmitted to his masters, and his masters giving credit to it? Good God! is that a state in which a man is to say, "I am upon the defensive — I am on my guard, — I will give you no satisfaction, — I have promised it, but I have already deferred it for seven or eight years"? Is not this tantamount to a denial?

Mr. Hastings, with this great body of bribery against him, was providentially freed from Nundcomar, one of his accusers, and, as good events do not come alone, (I think there is some such proverb,) it did so happen that all the rest, or a great many of them, ran away. But, however, the recorded evidence of the former charges continued; no new evidence came in; and Mr. Hastings enjoyed that happy repose which branded peculation, fixed and eternized upon the records of the Company, must leave upon a mind conscious of its own integrity.

My Lords, I will venture to say, there is no man

but owes something to his character. It is the grace, undoubtedly, of a virtuous, firm mind often to despise common, vulgar calumny; but if ever there is an occasion in which it does become such a mind to disprove it, it is the case of being charged in high office with pecuniary malversation, pecuniary corruption. There is no case in which it becomes an honest man, much less a great man, to leave upon record specific charges against him of corruption in his government, without taking any one step whatever to refute them.

Though Mr. Hastings took no step to refute the charges, he took many steps to punish the authors of them; and those miserable people who had the folly to make complaints against Mr. Hastings, to make them under the authority of an act of Parliament, under every sanction of public faith, yet, in consequence of those charges, every person concerned in them has been, as your Lordships will see, since his restoration to power, absolutely undone, brought from the highest situation to the lowest misery, so that they may have good reason to repent they ever trusted an English Council, that they ever trusted a Court of Directors, that they ever trusted an English act of Parliament, that they ever dared to make their complaints.

And here I charge upon Mr. Hastings, that, by never taking a single step to defeat or detect the falsehood of any of those charges against him, and by punishing the authors of them, he has been guilty of such a subversion of all the principles of British government as will deserve, and will I dare say meet, your Lordships' most severe animadversion.

In the course of this inquiry we find a sort of pause in his peculations, a sort of gap in the history,

as if pages were torn out. No longer we meet with the same activity in taking money that was before found; not even a trace of complimentary presents is to be found in the records during the time whilst General Clavering, Colonel Monson, and Mr. Francis formed the majority of the Council. There seems to have been a kind of truce with that sort of conduct for a while, and Mr. Hastings rested upon his arms. However, the very moment Mr. Hastings returned to power, peculation began again just at the same instant; the moment we find him free from the compulsion and terror of a majority of persons otherwise disposed than himself, we find him at his peculation again.

My Lords, at this time very serious inquiries had begun in the House of Commons concerning peculation. They did not go directly to Bengal, but they began upon the coast of Coromandel, and with the principal governors there. There was, however, an universal opinion (and justly founded) that these inquiries would go to far greater lengths. Mr. Hastings was resolved, then, to change the whole course and order of his proceeding. Nothing could persuade him, upon any account, to lay aside his system of bribery: that he was resolved to persevere in. The point was now to reconcile it with his safety. The first thing he did was to attempt to conceal it; and accordingly we find him depositing very great sums of money in the public treasury through the means of the two persons I have already mentioned, namely, the deputy-treasurer and the accountant, — paying them in and taking bonds for them as money of his own, and bearing legal interest. This was his method of endeavoring to conceal some at least of his

bribes: for I would not suggest, nor have your Lordships to think, that I believe that these were his only bribes, — for there is reason to think there was an infinite number besides; but it did so happen that they were those bribes which he thought might be discovered, some of which he knew were discovered, and all of which he knew might become the subject of a Parliamentary inquiry.

Mr. Hastings said he might have concealed them forever. Every one knows the facility of concealing corrupt transactions everywhere, in India particularly. But this is by himself proved not to be universally true, at least not to be true in his own opinion; for he tells you, in his letter from Cheltenham, that he *would* have concealed the Nabob's 100,000*l.*, but that the magnitude rendered it easy of discovery. He, therefore, avows an intention of concealment.

But it happens here, very singularly, that this sum, which his fears of discovery by *others* obliged him to discover *himself*, happens to be one of those of which no trace whatsoever appears, except merely from the operation of his own apprehensions. There is no collateral testimony: Middleton knew nothing of it; Anderson knew nothing of it; it was not directly communicated to the faithful Larkins or the trusty Croftes; — which proves, indeed, the facility of concealment. The fact is, you find the application always upon the discovery. But concealment or discovery is a thing of accident.

The bribes which I have hitherto brought before your Lordships belong to the first period of his bribery, before he thought of the doctrine on which he has since defended it. There are many other bribes which we charge him with having received during

this first period, before an improving conversation and close virtuous connection with great lawyers had taught him how to practise bribes in such a manner as to defy detection, and instead of punishment to plead merit. I am not bound to find order and consistency in guilt: it is the reign of disorder. The order of the proceeding, as far as I am able to trace such a scene of prevarication, direct fraud, falsehood, and falsification of the public accounts, was this. From bribes he knew he could never abstain; and his then precarious situation made him the more rapacious. He knew that a few of his former bribes had been discovered, declared, recorded, — that for the moment, indeed, he was secure, because all informers had been punished and all concealers rewarded. He expected hourly a total change in the Council, and that men like Clavering and Monson might be again joined to Francis, that some great avenger should arise from their ashes, — "*Exoriare, aliquis nostris ex ossibus ultor*," — and that a more severe investigation and an infinitely more full display would be made of his robbery than hitherto had been done. He therefore began, in the agony of his guilt, to cast about for some device by which he might continue his offence, if possible, with impunity, — and possibly make a merit of it. He therefore first carefully perused the act of Parliament forbidding bribery, and his old covenant engaging him not to receive presents. And here he was more successful than upon former occasions. If ever an act was studiously and carefully framed to prevent bribery, it is that law of the 13th of the King, which he well observes admits no latitudes of construction, no subterfuge, no escape, no evasion. Yet has he found a defence

of his crimes even in the very provisions which were made for their prevention and their punishment. Besides the penalty which belongs to every informer, the East India Company was invested with a fiction of property in all such bribes, in order to drag them with more facility out of the corrupt hands which held them. The covenant, with an exception of one hundred pounds, and the act of Parliament, without any exception, declared that the Governor-General and Council should receive no presents *for their own use*. He therefore concluded that the system of bribery and extortion might be clandestinely and safely carried on, provided the party taking the bribes had an inward intention and mental reservation that they should be privately applied to the Company's service in any way the briber should think fit, and that on many occasions this would prove the best method of supply for the exigencies of their service.

He accordingly formed, or pretended to form, a private bribe exchequer, collateral with and independent of the Company's public exchequer, though in some cases administered by those whom for his purposes he had placed in the regular official department. It is no wonder that he has taken to himself an extraordinary degree of merit. For surely such an invention of finance, I believe, never was heard of, — an exchequer wherein extortion was the assessor, fraud the cashier, confusion the accountant, concealment the reporter, and oblivion the remembrancer: in short, such as I believe no man, but one driven by guilt into frenzy, could ever have dreamed of.

He treats the official and regular Directors with just contempt, as a parcel of mean, mechanical book-keepers. He is an eccentric book-keeper, a Pindaric

accountant. I have heard of "the poet's eye in a fine frenzy rolling." Here was a revenue exacted from whom he pleased, at what times he pleased, in what proportions he pleased, through what persons he pleased, by what means he pleased, to be accounted for or not, at his discretion, and to be applied to what service he thought proper. I do believe your Lordships stand astonished at this scheme; and indeed I should be very loath to venture to state such a scheme at all, however I might have credited it myself, to any sober ears, if, in his defence before the House of Commons, and before the Lords, he had not directly admitted the fact of taking the bribes or forbidden presents, and had not in those defences, and much more fully in his correspondence with the Directors, admitted the fact, and justified it upon these very principles.

As this is a thing so unheard-of and unexampled in the world, I shall first endeavor to account as well as I can for his motives to it, which your Lordships will receive or reject, just as you shall find them tally with the evidence before you: I say, his motives to it; because I contend that public valid reasons for it he could have none; and the idea of making the corruption of the Governor-General a resource to the Company never did or could for a moment enter into his thoughts. I shall then take notice of the juridical constructions upon which he justifies his acting in this extraordinary manner; and lastly, show you the concealments, prevarications, and falsehoods with which he endeavors to cover it. Because wherever you find a concealment you make a discovery. Accounts of money received and paid ought to be regular and official.

He wrote over to the Court of Directors, that there

were certain sums of money he had received and which were not his own, but that he had received them for their use. By this time his intercourse with gentlemen of the law became more considerable than it had been before. When first attacked for presents, he never denied the receipt of them, or pretended to say they were for public purposes; but upon looking more into the covenants, and probably with better legal advice, he found that no money could be legally received for his own use; but as these bribes were directly given and received as for his own use, yet (says he) "there was an inward destination of them in my own mind to your benefit, and to your benefit have I applied them."

Now here is a new system of bribery, contrary to law, very ingenious in the contrivance, but, I believe, as unlikely to produce its intended effect upon the mind of man as any pretence that was ever used. Here Mr. Hastings changes his ground. Before, he was accused as a peculator; he did not deny the fact; he did not refund the money; he fought it off; he stood upon the defensive, and used all the means in his power to prevent the inquiry. That was the first era of his corruption, — a bold, ferocious, plain, downright use of power. In the second, he is grown a little more careful and guarded, — the effect of subtilty. He appears no longer as a defendant; he holds himself up with a firm, dignified, and erect countenance, and says, "I am not here any longer as a delinquent, a receiver of bribes, to be punished for what I have done wrong, or at least to suffer in my character for it. No: I am a great inventive genius, who have gone out of all the ordinary roads of finance, have made great discoveries in the unknown regions of that sci-

ence, and have for the first time established the corruption of the supreme magistrate as a principle of resource for government."

There are crimes, undoubtedly, of great magnitude, naturally fitted to create horror, and that loudly call for punishment, that have yet no idea of *turpitude* annexed to them; but unclean hands, bribery, venality, and peculation are offences of turpitude, such as, in a governor, at once debase the person and degrade the government itself, making it not only *horrible*, but vile and contemptible in the eyes of all mankind. In this humiliation and abjectness of guilt, he comes here not as a criminal on his defence, but as a vast fertile genius who has made astonishing discoveries in the art of government, — "*Dicam insigne, recens, alio indictum ore*," — who, by his flaming zeal and the prolific ardor and energy of his mind, has boldly dashed out of the common path, and served his country by new and untrodden ways; and now he generously communicates, for the benefit of all future governors and all future governments, the grand arcanum of his long and toilsome researches. He is the first, but, if we do not take good care, he will not be the last, that has established the corruption of the supreme magistrate among the settled resources of the state; and he leaves this principle as a bountiful donation, as the richest deposit that ever was made in the treasury of Bengal. He claims glory and renown from that by which every other person since the beginning of time has been dishonored and disgraced. It has been said of an ambassador, that he is a person employed to tell lies for the advantage of the court that sends him. His is patriotic bribery, and public-spirited corrup-

tion. He is a peculator for the good of his country. It has been said that private vices are public benefits. He goes the full length of that position, and turns his private peculation into a public good. This is what you are to thank him for. You are to consider him as a great inventor upon this occasion. Mr. Hastings improves on this principle. He is a robber in gross, and a thief in detail, — he steals, he filches, he plunders, he oppresses, he extorts, — all for the good of the dear East India Company, — all for the advantage of his honored masters, the Proprietors, — all in gratitude to the dear perfidious Court of Directors, who have been in a practice to heap "insults on his person, slanders on his character, and indignities on his station, — who never had the confidence in him that they had in the meanest of his predecessors."

If you sanction this practice, if, after all you have exacted from the people by your taxes and public imposts, you are to let loose your servants upon them, to extort by bribery and peculation what they can from them, for the purpose of applying it to the public service only whenever they please, this shocking consequence will follow from it. If your Governor is discovered in taking a bribe, he will say, "What is that to you? mind your business; I intend it for the public service." The man who dares to accuse him loses the favor of the Governor-General and the India Company. They will say, "The Governor has been doing a meritorious action, extorting bribes for our benefit, and you have the impudence to think of prosecuting him." So that the moment the bribe is detected, it is instantly turned into a merit: and we shall prove that this is the case with Mr. Hastings, whenever a bribe has been discovered.

I am now to inform your Lordships, that, when he made these great discoveries to the Court of Directors, he never tells them who gave him the money, upon what occasion he received it, by what hands, or to what purposes he applied it.

When he can himself give no account of his motives, and even declares that he cannot assign any cause, I am authorized and required to find motives for him, — corrupt motives for a corrupt act. There is no one capital act of his administration that did not strongly imply corruption. When a man is known to be free from all imputation of taking money, and it becomes an established part of his character, the errors or even crimes of his administration ought to be, and are in general, traced to other sources. You know it is a maxim. But once convict a man of bribery in any instance, and once by direct evidence, and you are furnished with a rule of irresistible presumption that every other irregular act by which unlawful gain may arise is done upon the same corrupt motive. *Semel malus præsumitur semper malus.* As for good acts candor, charity, justice oblige me not to assign evil motives, unless they serve some scandalous purpose or terminate in some manifest evil end, so justice, reason, and common sense compel me to suppose that wicked acts have been done upon motives correspondent to their nature: otherwise I reverse all the principles of judgment which can guide the human mind, and accept even the symptoms, the marks and criteria of guilt, as presumptions of innocence. One that confounds good and evil is an enemy to the good.

His conduct upon these occasions may be thought irrational. But, thank God, guilt was never a rational

thing: it distorts all the faculties of the mind; it perverts them; it leaves a man no longer in the free use of his reason; it puts him into confusion. He has recourse to such miserable and absurd expedients for covering his guilt as all those who are used to sit in the seat of judgment know have been the cause of detection of half the villanies in the world. To argue that these could not be his reasons, because they were not wise, sound, and substantial, would be to suppose, what is not true, that bad men were always discreet and able. But I can very well from the circumstances discover motives which may affect a giddy, superficial, shattered, guilty, anxious, restless mind, full of the weak resources of fraud, craft, and intrigue, that might induce him to make these discoveries, and to make them in the manner he has done. Not rational, and well-fitted for their purposes, I am very ready to admit. For God forbid that guilt should ever leave a man the free, undisturbed use of his faculties! For as guilt never rose from a true use of our rational faculties, so it is very frequently subversive of them. God forbid that prudence, the first of all the virtues, as well as the supreme director of them all, should ever be employed in the service of any of the vices! No: it takes the lead, and is never found where justice does not accompany it; and if ever it is attempted to bring it into the service of the vices, it immediately subverts their cause. It tends to their discovery, and, I hope and trust, finally to their utter ruin and destruction.

In the first place, I am to remark to your Lordships, that the accounts he has given of one of these sums of money are totally false and contradictory. Now there is not a stronger presumption, nor can one

want more reason to judge a transaction fraudulent, than that the accounts given of it are contradictory; and he has given three accounts utterly irreconcilable with each other. He is asked, "How came you to take bonds for this money, if it was not your own? How came you to vitiate and corrupt the state of the Company's records, and to state yourself a lender to the Company, when in reality you were their debtor?" His answer was, "I really cannot tell; I have forgot my reasons; the distance of time is so great," (namely, a time of about two years, or not so long,) "I cannot give an account of the matter; perhaps I had this motive, perhaps I had another," (but what is the most curious,) "perhaps I had none at all which I can now recollect." You shall hear the account which Mr. Hastings himself gives, his own fraudulent representation, of these corrupt transactions. "For my motives for withholding the several receipts from the knowledge of the Council, or of the Court of Directors, and for taking bonds for part of these sums and paying others into the treasury as deposits on my own account, I have generally accounted in my letter to the Honorable the Court of Directors of the 22d of May, 1782,—namely, that I either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or possibly acted without any studied design which my memory at that distance of time could verify, and that I did not think it worth my care to observe the same means with the rest. It will not be expected that I should be able to give a more correct explanation of my intentions after a lapse of three years, having declared at the time that many particulars had escaped my remembrance; neither shall I attempt to add more than the clearer affirma-

tion of the facts implied in that report of them, and such inferences as necessarily, or with a strong probability, follow them."

My Lords, you see, as to any direct explanation, that he fairly gives it up: he has used artifice and stratagem, which he knows will not do; and at last attempts to cover the treachery of his conduct by the treachery of his memory. Frequent applications were made to Mr. Hastings upon this article from the Company, — gentle hints, *gemitus columbæ*, — rather, little amorous complaints that he was not more open and communicative; but all these gentle insinuations were never able to draw from him any further account till he came to England. When he came here, he left not only his memory, but all his notes and references, behind in India. When in India the Company could get no account of them, because he himself was not in England; and when he was in England, they could get no account, because his papers were in India. He then sends over to Mr. Larkins to give that account of his affairs which he was not able to give himself. Observe, here is a man taking money privately, corruptly, and which was to be sanctified by the future application of it, taking false securities to cover it, and who, when called upon to tell whom he got the money from, for what ends, and on what occasion, neither will tell in India nor can tell in England, but sends for such an account as he has thought proper to furnish.

I am now to bring before you an account of what I think much the most serious part of the effects of his system of bribery, corruption, and peculation. My Lords, I am to state to you the astonishing and almost incredible means he made use of to lay all the

country under contribution, to bring the whole into such dejection as should put his bribes out of the way of discovery. Such another example of boldness and contrivance I believe the world cannot furnish.

I have already shown, amongst the mass of his corruptions, that he let the whole of the lands to farm to the banians; next, that he sold the whole Mahomedan government of that country to a woman. This was bold enough, one should think; but without entering into the circumstances of the revenue change in 1772, I am to tell your Lordships that he had appointed six Provincial Councils, each consisting of many members, who had the ordinary administration of civil justice in that country, and the whole business of the collection of the revenues.

These Provincial Councils accounted to the Governor-General and Council, who in the revenue department had the whole management, control, and regulation of the revenue. Mr. Hastings did in several papers to the Court of Directors declare, that the establishment of these Provincial Councils, which at first he stated only as experimental, had proved useful in the experiment, — and on that use, and upon that experiment, he had sent even the plan of an act of Parliament, to have it confirmed with the last and most sacred authority of this country. The Court of Directors desired, that, if he thought any other method more proper, he would send it to them for their approbation.

Thus the whole face of the British government, the whole of its order and constitution, remained from 1772 to 1781. He had got rid, some time before this period, by death, of General Clavering, by death, of Colonel Monson, and by vexation and persecution,

and his consequent dereliction of authority, he had shaken off Mr. Francis. The whole Council consisting only of himself and Mr. Wheler, he, having the casting vote, was in effect the whole Council; and if ever there was a time when principle, decency, and decorum rendered it improper for him to do any extraordinary acts without the sanction of the Court of Directors, that was the time. Mr. Wheler was taken off, — despair perhaps rendering the man, who had been in opposition futilely before, compliable. The man is dead. He certainly did not oppose him; if he had, it would have been in vain. But those very circumstances which rendered it atrocious in Mr. Hastings to make any change induced him to make this. He thought that a moment's time was not to be lost, — that other colleagues might come, where he might be overpowered by a majority again, and not able to pursue his corrupt plans. Therefore he was resolved, — your Lordships will remark the whole of this most daring and systematic plan of bribery and peculation, — he resolved to put it out of the power of his Council in future to check or control him in any of his evil practices.

The first thing he did was to form an ostensible council at Calcutta for the management of the revenues, which was not effectually bound, except it thought fit, to make any reference to the Supreme Council. He delegated to them — that is, to four covenanted servants — those functions which by act of Parliament and the Company's orders were to be exercised by the Council-General; he delegated to four gentlemen, creatures of his own, his own powers, but he laid them out to good interest. It appears odd that one of the first acts to a Governor-General, so

jealous of his power as he is known to be, as soon as he had all the power in his own hands, should be to put all the revenues out of his own control. This upon the first view is an extraordinary proceeding. His next step was, without apprising the Court of Directors of his intention, or without having given an idea of any such intention to his colleagues while alive, either those who died in India, or those who afterwards returned to Europe, in one day, in a moment, to annihilate the whole authority of the Provincial Councils, and delegate the whole power to these four gentlemen.

These four gentlemen had for their secretary an agent given them by Mr. Hastings: a name that you will often hear of; a name at the sound of which all India turns pale; the most wicked, the most atrocious, the boldest, the most dexterous villain that ever the rank servitude of that country has produced. My Lords, I am speaking with the most assured freedom, because there never was a friend of Mr. Hastings, there never was a foe of Mr. Hastings, there never was any human person, that ever differed on this occasion, or expressed any other idea of Gunga Govind Sing, the friend of Mr. Hastings, whom he intrusted with this important post. But you shall hear, from the account given by themselves, what the Council thought of their functions, of their efficiency for the charge, and in whose hands that efficiency really was. I beg, hope, and trust, that your Lordships will learn from the persons themselves who were appointed to execute the office their opinion of the real execution of it, in order that you may judge of the plan for which he destroyed the whole English administration in India.

"The Committee must have a dewan, or executive officer, call him by what name you please. This man, in fact, has all the revenue paid at the Presidency at his disposal, and can, if he has any abilities, bring all the renters under contribution. It is little advantage to restrain the Committee themselves from bribery or corruption, when their executive officer has the power of practising both undetected. To display the arts employed by a native on such occasions would fill a volume. He discovers the secret resources of the zemindars and renters, their enemies and competitors; and by the engines of hope and fear, raised upon these foundations, he can work them to his purpose. The Committee, with the best intentions, best abilities, and steadiest application, must after all be a tool in the hands of their dewan."

Your Lordships see what the opinion of the Council was of their own constitution. You see for what it was made. You see for what purposes the great revenue trust was taken from the Council-General, from the supreme government. You see for what purposes the executive power was destroyed. You have it from one of the gentlemen of this commission, at first four in number, and afterwards five, who was the most active, efficient member of it. You see it was made for the purpose of being a tool in the hands of Gunga Govind Sing; that integrity, ability, and vigilance could avail nothing; that the whole country might be laid under contribution by this man, and that he could thus practise bribery with impunity. Thus your Lordships see the delegation of all the authority of the country, above and below, is given by Mr. Hastings to this Gunga Govind Sing. The screen, the veil, spread before this transaction, is torn open by the very

people themselves who are the tools in it. They confess they can do nothing; they know they are instruments in the hands of Gunga Govind Sing; and Mr. Hastings uses his name and authority to make them such in the hands of the basest, the wickedest, the corruptest, the most audacious and atrocious villain ever heard of. It is to him all the English authority is sacrificed, and four gentlemen are appointed to be his tools and instruments. Tools and instruments for what? They themselves state, that, if he has the inclination, he has the power and ability to lay the whole country under contribution, that he enters into the most minute secrets of every individual in it, gets into the bottom of their family affairs, and has a power totally to subvert and destroy them; and we shall show upon that head, that he well fulfilled the purposes for which he was appointed. Did Mr. Hastings pretend to say that he destroyed the Provincial Councils for their corruptness or insufficiency, when he dissolved them? No: he says he has no objection to their competency, no charge to make against their conduct, but that he has destroyed them for his new arrangement. And what is his new arrangement? Gunga Govind Sing. Forty English gentlemen were removed from their offices by that change. Mr. Hastings did it, however, very economically; for all these gentlemen were instantly put upon pensions, and consequently burdened the establishment with a new charge. Well, but the new Council was formed and constituted upon a very economical principle also. These five gentlemen, you will have it in proof, with the necessary expenses of their office, were a charge of 62,000*l.* a year upon the establishment. But for great, eminent, capital services, 62,000*l.*, though a

much larger sum than what was thought fit to be allowed for the members of the Supreme Council itself, may be admitted. I will pass it. It shall be granted to Mr. Hastings, that these pensions, though they created a new burden on the establishment, were all well disposed, provided the Council did their duty. But you have heard what they say themselves: they are not there put to do any duty; they can do no duty; their abilities, their integrity, avail them nothing; they are tools in the hands of Gunga Govind Sing. Mr. Hastings, then, has loaded the revenue with 62,000*l.* a year to make Gunga Govind Sing master of the kingdoms of Bengal, Bahar, and Orissa. What must the thing to be moved be, when the machinery, when the necessary tools, for Gunga Govind Sing have cost 62,000*l.* a year to the Company? There it is; it is not my representation, not the representation of observant strangers, of good and decent people, that understand the nature of that service, but the opinion of the tools themselves.

Now did Mr. Hastings employ Gunga Govind Sing without a knowledge of his character? His character was known to Mr. Hastings: it was recorded long before, when he was turned out of another office. "During my long residence," says he, "in this country, this is the first time I heard of the character of Gunga Govind Sing being infamous. No information I have received, though I have heard *many* people speak ill of him, ever pointed to any particular *act* of infamy committed by Gunga Govind Sing. I have no intimate knowledge of Gunga Govind Sing. What I understand of his character has been from Europeans as well as natives." After, — "He had many enemies at the time he was proposed to be employed in

the Company's service, and not *one advocate* among the natives who had immediate access to myself. I think, therefore, if his character had been such as has been described, the knowledge of it could hardly have failed to have been ascertained to me by the *specific* facts. I have heard him loaded, as I have many others, with general reproaches, but have never heard any one express a doubt of *his abilities*." Now, if anything in the world should induce you to put the whole trust of the revenues of Bengal, both above and below, into the hands of a single man, and to delegate to him the whole jurisdiction of the country, it must be that he either was, or at least was reputed to be, a man of integrity. Mr. Hastings does not pretend that he is reputed to be a man of integrity. He knew that he was not able to contradict the charge brought against him, and that he had been turned out of office by his colleagues, for reasons assigned upon record, and approved by the Directors, for malversation in office. He had, indeed, crept again into the Calcutta Committee; and they were upon the point of turning him out for malversation, when Mr. Hastings saved them the trouble by turning out the whole Committee, consisting of a president and five members. So that in all times, in all characters, in all places, he stood as a man of a bad character and evil repute, though supposed to be a man of great abilities.

My Lords, permit me for one moment to drop my representative character here, and to speak to your Lordships only as a man of some experience in the world, and conversant with the affairs of men and with the characters of men.

I do, then, declare my conviction, and wish it may

stand recorded to posterity, that there never was a *bad man* that had ability for *good service.* It is not in the nature of such men; their minds are so distorted to selfish purposes, to knavish, artificial, and crafty means of accomplishing those selfish ends, that, if put to any good service, they are poor, dull, helpless. Their natural faculties never have that direction; they are paralytic on that side; the muscles, if I may use the expression, that ought to move it, are all dead. They know nothing, but how to pursue selfish ends by wicked and indirect means. No man ever knowingly employed a bad man on account of his abilities, but for evil ends. Mr. Hastings knew this man to be bad; all the world knew him to be bad; and how did he employ him? In such a manner as that he might be controlled by others? A great deal might be said for him, if this had been the case. There might be circumstances in which such a man might be used in a subordinate capacity. But who ever thought of putting such a man virtually in possession of the whole authority both of the Committee and the Council-General, and of the revenues of the whole country?

As soon as we find Gunga Govind Sing here, we find him employed in the way in which he was meant to be employed: that is to say, we find him employed in taking corrupt bribes and corrupt presents for Mr. Hastings. Though the Committee were tools in his hands, he was a tool in the hands of Mr. Hastings; for he had, as we shall prove, constant, uniform, and close communications with Mr. Hastings. And, indeed, we may be saved a good deal of the trouble of proof; for Mr. Hastings himself, by acknowledging him to be his bribe-broker, has pretty well authenticated a

secret correspondence between them. For the next great bribe as yet discovered to be taken by Mr. Hastings, about the time of his great operation of 1781, was the bribe of 40,000*l.*, which we charge to have been privately taken from one of two persons, but from which is not yet ascertained, but paid to him through this flagitious black agent of his iniquities, Gunga Govind Sing. The discovery is made by another agent of his, called Mr. Larkins, one of his white bribe-confidants, and by him made Accountant-General to the Supreme Presidency. For this sum, so clandestinely and corruptly taken, he received a bond to himself, on his own account, as for money lent to the Company. For, upon the frequent, pressing, tender solicitations of the Court of Directors, always insinuated to him in a very delicate manner, Mr. Hastings had written to Mr. Larkins to find out, if he could, some of his own bribes; and accordingly Mr. Larkins sent over an account of various bribes, — an account which, even before it comes directly in evidence before you, it will be pleasant to your Lordships to read. In this account, under the head, "*Dinagepore, No.* 1," I find "*Duplicate copy of the particulars of debts, in which the component parts of sundry sums received on the account of the Honorable Company of Merchants trading to the East Indies were received by Mr. Hastings and paid to the Sub-Treasurer.*" We find here, "*Dinagepore peshcush, four lacs of rupees, caboolеat*": that is, an agreement to pay four lacs of rupees, of which three were received and one remained in balance at the time this account was made out. All that we can learn from this account, after all our researches, after all the Court of Directors could do to squeeze it out of him, is, that he received from Dinagepore, at twelve

monthly payments, a sum of about three lacs of rupees, upon an engagement to pay him four; that is, he received about 30,000*l.* out of 40,000*l.* which was to be paid him: and we are told that he received this sum through the hands of Gunga Govind Sing; and that he was exceedingly angry with Gunga Govind Sing for having kept back or defrauded him of the sum of 10,000*l.* out of the 40,000*l.* To keep back from him the fourth part of the whole bribe was very reprehensible behavior in Gunga Govind Sing, certainly very unworthy of the great and high trust which Mr. Hastings reposed in his integrity. My Lords, this letter tells us Mr. Hastings was much irritated at Gunga Govind Sing. You will hereafter see how Mr. Hastings behaves to persons against whom he is irritated for their frauds upon him in their joint concerns. In the mean time Gunga Govind Sing rests with you as a person with whom Mr. Hastings is displeased on account of infidelity in the honorable trust of bribe undertaker and manager.

My Lords, you are not very much enlightened, I believe, by seeing these words, *Dinagepore peshcush.* We find a province, we find a sum of money, we find an agent, and we find a receiver. The *province* is *Dinagepore*, the *agent* is *Gunga Govind Sing*, the *sum* agreed on is 40,000*l.*, and the *receiver* of a part of that is *Mr. Hastings*. This is all that can be seen. Who it was that gave this sum of money to Mr. Hastings in this manner does no way appear; it is *murder by persons unknown:* and this is the way in which Mr. Hastings, after all the reiterated solicitations of Parliament, of the Company, and the public, has left the account of this bribe.

Let us, however, now see what was the state of

transactions at Dinagepore at that period. For, if Mr. Hastings in the transactions at that period did anything for that country, it must be presumed this money was given for those acts; for Mr. Hastings confesses it was a sum of money corruptly received, but honestly applied. It does not signify much, at first view, from whom he received it; it is enough to fix upon him that he did receive it. But because the consequences of his bribes make the main part of what I intend to bring before your Lordships, I shall beg to state to you, with your indulgence, what I have been able to discover by a very close investigation of the records respecting this business of Dinagepore.

Dinagepore, Rungpore, and Edrackpore make a country, I believe, pretty nearly as large as all the northern counties of England, Yorkshire included. It is no mean country, and it has a prince of great, ancient, illustrious descent at the head of it, called the Rajah of Dinagepore.

I find, that, about the month of July, 1780, the Rajah of Dinagepore, after a long and lingering illness, died, leaving an half-brother and an adopted son. A litigation respecting the succession instantly arose in the family; and this litigation was of course referred to, and was finally to be decided by, the Governor-General in Council, — being the ultimate authority to which the decision of all these questions was to be referred. This cause came before Mr. Hastings, and I find that he decided the question in favor of the adopted son of the Rajah against his half-brother. I find that upon that decision a rent was settled, and a peshcush, or fine, paid. So that all that is in this transaction is fair and above-board: there is a dispute settled; there is a fine paid; there is a rent reserved

to the Company; and the whole is a fair settlement. But I find along with it very extraordinary acts; for I find Mr. Hastings taking part in favor of the minor, agreeably to the principles of others, and contrary to his own. I find that he gave the guardianship of this adopted son to the brother of the Ranny, as she is called, or the widow of the deceased Rajah; and though the hearing and settling of this business was actually a part of the duty of his office, yet I find, that, when the steward of the province of Dinagepore was coming down to represent this case to Mr. Hastings, Mr. Hastings, on pretence that it would only tend to increase the family dissensions, so far from hearing fully all the parties in this business, not only sent him back, but ordered him to be actually turned out of his office. If, then, the 40,000*l.* be the same with the money taken from the Rajah in 1780, to which account it seems to refer, (for it was taken in regular payments, beginning July, 1780, and ending at the same period in 1781,) it was a sum of money corruptly taken by him as a judge in a litigation of inheritance between two great parties. So that he received the sum of 40,000*l.* for a judgment; which, whether that judgment was right or wrong, true or false, he corruptly received.

This sum was received, as your Lordships will observe, through Gunga Govind Sing. He was the broker of the agreement: he was the person who was to receive it by monthly instalments, and he was to pay it to Mr. Hastings. His son was in the office of Register-General of the whole country, who had in his custody all the papers, documents, and everything which could tend to settle a litigation among the parties. If Mr. Hastings took this bribe from

the Rajah of Dinagepore, he took a bribe from an infant of five years old through the hands of the Register. That is, the judge receives a bribe through the hands of the keeper of the genealogies of the family, the records and other documents, which must have had the principal share in settling the question.

This history of this Dinagepore peshcush is the public one received by the Company, and which is entered upon the record, — but not the private, and probably the true history of this corrupt transaction.

Very soon after this decision, very soon after this peshcush was given, we find all the officers of the young Rajah, who was supposed to have given it, turned out of their employment by Gunga Govind Sing, — by the very man who received the peshcush for Mr. Hastings. We find them all turned out of their employments; we find them all accused, without any appearance or trace in the records of any proof of embezzlement, of neglect in the education of the minor Rajah, of the mismanagement of his affairs, or the allotment of an unsuitable allowance. And accordingly, to prevent the relations of his adopted mother, to prevent those who might be supposed to have an immediate interest in the family, from abusing the trust of his education and the trust of the management of his fortune, Gunga Govind Sing, (for I trust your Lordships would not suffer me, if I had a mind, to quote that tool of a thing, the Committee of Revenue, bought at 62,000*l.* a year, — you would not suffer me to name it, especially when you know all the secret agency of bribes in the hand of Gunga Govind Sing,) — this Gunga Govind Sing produces soon after another character, to whom he consigns

the custody of the whole family and the whole province.

I will do Mr. Hastings the justice to say, that, if he had known there was another man more accomplished in all iniquity than Gunga Govind Sing, he would not have given him the first place in his confidence. But there is another next to him in the country, whom you are to hear of by-and-by, called Debi Sing. This person, in the universal opinion of all Bengal, is ranked next to Gunga Govind Sing; and, what is very curious, they have been recorded by Mr. Hastings as rivals in the same virtues.

Arcades ambo,
Et cantare pares, et respondere parati.

But Mr. Hastings has the happiest modes in the world: these rivals were reconciled on this occasion, and Gunga Govind Sing appoints Debi Sing, superseding all the other officers for no reason whatever upon record. And because, like champions, they ought to go in pairs, there is an English gentleman, one Mr. Goodlad, whom you will hear of presently, appointed along with him. Absolute strangers to the Rajah's family, the first act they do is to cut off a thousand out of sixteen hundred a month from his allowance. They state (though there was a great number of dependants to maintain) that six hundred would be enough to maintain him. There appears in the account of these proceedings to be such a flutter about the care of the Rajah, and the management of his household: in short, that there never was such a tender guardianship as, always with the knowledge of Mr. Hastings, is exercised over this poor Rajah, who had just given (if he did give) 40,000*l.* for *his own* inheritance, if it was his due, — for the inheri-

tance of *others*, if it was not his due. One would think he was entitled to some mercy; but, probably because the money could not otherwise be supplied, his establishment was cut down by Debi Sing and Mr. Goodlad a thousand a month, which is just twelve thousand a year.

When Mr. Hastings had appointed those persons to the guardianship who had an interest in the management of the Rajah's education and fortune, one should have thought, before they were turned out, he would at least have examined whether such a step was proper or not. No: they were turned out without any such examination; and when I come to inquire into the proceedings of Gunga Govind Sing's Committee, I do not find that the new guardians have brought to account one single shilling they received, appointed as they were by that council newly made to superintend all the affairs of the Rajah. There is not one word to be found of an account: Debi Sing's honor, fidelity, and disinterestedness, and that of Mr. Goodlad, is sufficient; and that is the way in which the management and superintendence of one of the greatest houses in that country is given to the guardianship of strangers. And how is it managed? We find Debi Sing in possession of the Rajah's family, in possession of his affairs, in the management of his whole zemindary; and in the course of the next year he is to give him in farm the whole of the revenues of these three provinces. Now whether the peshcush was received for the nomination of the Rajah as a bribe in judgment, or whether Mr. Hastings got it from Debi Sing as a bribe in office, for appointing him to the guardianship of a family that did not belong to him, and for the dominion

of three great and once wealthy provinces, — (which is best or worst I shall not pretend to determine,) — you find the Rajah in his possession; you find his education, his household, in his possession; the public revenues are in his possession; they are given over to him.

If we look at the records, the letting of these provinces appears to have been carried on by the new Committee of Revenue, as the course and order of business required it should. But by the investigation into Mr. Hastings's money transactions, the insufficiency and fallacy of these records is manifest beyond a doubt. From this investigation it is discovered that it was in reality a bargain secretly struck between the Governor-General and Debi Sing, and that the Committee were only employed in the mere official forms. From the time that Mr. Hastings new-modelled the revenue system, nothing is seen in its true shape. We now know, in spite of the fallacy of these records, who the true grantor was: it will not be amiss to go a little further in supplying their defects, and to inquire a little concerning the grantee. This makes it necessary for me to inform your Lordships who Debi Sing is.

[*Mr. Burke read the Committee's recommendation of Debi Sing to the Governor-General and Council; but the copy of the paper alluded to is wanting.*]

. . . . .

Here is a choice; here is Debi Sing presented for his knowledge in business, his trust and fidelity, and that he is a person against whom no objection can be made. This is presented to Mr. Hastings, by him recorded in the Council Books, and by him transmit-

ted to the Court of Directors. Mr. Hastings has since recorded, that he knew this Debi Sing, (though he here publicly authorizes the nomination of him to all that great body of trusts,) — that he knew him to be a man completely capable of the most atrocious iniquities that were ever charged upon man. Debi Sing is appointed to all those great trusts, through the means of Gunga Govind Sing, from whom he (Mr. Hastings) had received 30,000*l.* as a part of a bribe.

Now, though it is a large field, though it is a thing that I must confess I feel a reluctance almost in venturing to undertake, exhausted as I am, yet such is the magnitude of the affair, such the evil consequences that followed from a system of bribery, such the horrible consequences of superseding all the persons in office in the country to give it into the hands of Debi Sing, that, though it is the public opinion, and though no man that has ever heard the name of Debi Sing does not know that he was only second to Gunga Govind Sing, yet it is not to my purpose, unless I prove that Mr. Hastings knew his character at the very time he accepts him as a person against whom no exception could be made.

It is necessary to inform your Lordships who this Debi Sing was, to whom these great trusts were committed, and those great provinces given.

It may be thought, and not unnaturally, that, in this sort of corrupt and venal appointment to high trust and office, Mr. Hastings has no other consideration than the money he received. But whoever thinks so will be deceived. Mr. Hastings was very far from indifferent to the character of the persons he dealt with. On the contrary, he made a most careful selection; he had a very scrupulous regard to the

aptitude of the men for the purposes for which he employed them, and was much guided by his experience of their conduct in those offices which had been sold to them upon former occasions.

Except Gunga Govind Sing, (whom, as justice required, Mr. Hastings distinguished by the highest marks of his confidence,) there was not a man in Bengal, perhaps not upon earth, a match for this Debi Sing. He was not an unknown subject, not one rashly taken up as an experiment. He was a tried man; and if there had been one more desperately and abandonedly corrupt, more wildly and flagitiously oppressive, to be found unemployed in India, large as his offers were, Mr. Hastings would not have taken this money from Debi Sing.

Debi Sing was one of those who in the early stages of the English power in Bengal attached himself to those natives who then stood high in office. He courted Mahomed Reza Khân, a Mussulman of the highest rank, of the tribe of Koreish, whom I have already mentioned, then at the head of the revenue, and now at the head of the criminal justice of Bengal, with all the supple assiduity of which those who possess no valuable art or useful talent are commonly complete masters. Possessing large funds, acquired by his apprenticeship and novitiate in the lowest frauds, he was enabled to lend to this then powerful man, in the several emergencies of his variable fortune, very large sums of money. This great man had been brought down by Mr. Hastings, under the orders of the Court of Directors, upon a cruel charge, to Calcutta. He was accused of many crimes, and acquitted, 220,000*l.* in debt: that is to say, as soon as he was a great debtor, he ceased to be a great criminal.

Debi Sing obtained by his services no slight influence over Mahomed Reza Khân, a person of a character very different from his.

From that connection he was appointed to the farm of the revenue, and inclusively of the government of Purneah, a province of very great extent, and then in a state of no inconsiderable opulence. In this office he exerted his talents with so much vigor and industry that in a very short time the province was half depopulated and totally ruined.

The farm, on the expiration of his lease, was taken by a set of adventurers in this kind of traffic from Calcutta. But when the new undertakers came to survey the object of their future operations and future profits, they were so shocked at the hideous and squalid scenes of misery and desolation that glared upon them in every quarter, that they instantly fled out of the country, and thought themselves but too happy to be permitted, on the payment of a penalty of twelve thousand pounds, to be released from their engagements.

To give in a few words as clear an idea as I am able to give of the immense volume which might be composed of the vexations, violence, and rapine of that tyrannical administration, the territorial revenue of Purneah, which had been let to Debi Sing at the rate of 160,000*l.* sterling a year, was with difficulty leased for a yearly sum under 90,000*l.*, and with all rigor of exaction produced in effect little more than 60,000*l.*, falling greatly below one half of its original estimate: so entirely did the administration of Debi Sing exhaust all the resources of the province; so totally did his baleful influence blast the very hope and spring of all future revenue.

The administration of Debi Sing was too notoriously destructive not to cause a general clamor. It was impossible that it should be passed over without animadversion. Accordingly, in the month of September, 1772, Mr. Hastings, then at the head of the Committee of Circuit, removed him for maladministration; and he has since publicly declared on record that he knew him to be capable of all the most horrid and atrocious crimes that can be imputed to man.

This brand, however, was only a mark for Mr. Hastings to find him out hereafter in the crowd, to identify him for his own, and to call him forth into action, when his virtues should be sufficiently matured for the services in which he afterwards employed him, through his instruments, Mr. Anderson and Gunga Govind Sing. In the mean time he left Debi Sing to the direction of his own good genius.

Debi Sing was stigmatized in the Company's records, his reputation was gone, but his funds were safe. In the arrangement made by Mr. Hastings, in the year 1773, by which Provincial Councils were formed, Debi Sing became deputy-steward, or secretary, (soon in effect and influence principal steward,) to the Provincial Council of Moorshedabad, the seat of the old government, and the first province of the kingdom; and to his charge were committed various extensive and populous provinces, yielding an annual revenue of one hundred and twenty lacs of rupees, or 1,500,000*l.* This division of Provincial Council included Rungpore, Edrackpore, and others, where he obtained such a knowledge of their resources as subsequently to get possession of them.

Debi Sing found this administration composed mostly of young men, dissipated and fond of pleasure, as

is usual at that time of life, but desirous of reconciling those pleasures, which usually consume wealth, with the means of making a great and speedy fortune, — at once eager candidates for opulence, and perfect novices in all the roads that lead to it. Debi Sing commiserated their youth and inexperience, and took upon him to be their guide.

There is a revenue in that country, raised by a tax more productive than laudable. It is an imposition on public prostitutes, a duty upon the societies of dancing-girls, — those seminaries from which Mr. Hastings has selected an administrator of justice and governor of kingdoms. Debi Sing thought it expedient to farm this tax, — not only because he neglected no sort of gain, but because he regarded it as no contemptible means of power and influence. Accordingly, in plain terms, he opened a legal brothel, out of which he carefully reserved (you may be sure) the very flower of his collection for the entertainment of his young superiors: ladies recommended not only by personal merit, but, according to the Eastern custom, by sweet and enticing names which he had given them. For, if they were to be translated, they would sound, — Riches of my Life, Wealth of my Soul, Treasure of Perfection, Diamond of Splendor, Pearl of Price, Ruby of Pure Blood, and other metaphorical descriptions, that, calling up dissonant passions to enhance the value of the general harmony, heightened the attractions of love with the allurements of avarice. A moving seraglio of these ladies always attended his progress, and were always brought to the splendid and multiplied entertainments with which he regaled his Council. In these festivities, whilst his guests were engaged with the seductions of

beauty, the intoxications of the most delicious wines of France, and the voluptuous vapor of perfumed India smoke, uniting the vivid satisfactions of Europe with the torpid blandishments of Asia, the great magician himself, chaste in the midst of dissoluteness, sober in the centre of debauch, vigilant in the lap of negligence and oblivion, attended with an eagle's eye the moment for thrusting in business, and at such times was able to carry without difficulty points of shameful enormity, which at other hours he would not so much as have dared to mention to his employers, young men rather careless and inexperienced than intentionally corrupt. Not satisfied with being pander to their pleasures, he anticipated and was purveyor to their wants, and supplied them with a constant command of money; and by these means he reigned with an uncontrolled dominion over the province and over its governors.

For you are to understand that in many things we are very much misinformed with regard to the true seat of power in India. Whilst we were proudly calling India a British government, it was in substance a government of the lowest, basest, and most flagitious of the native rabble, to whom the far greater part of the English who figured in employment and station had from their earliest youth been slaves and instruments. Banians had anticipated the period of their power in premature advances of money, and have ever after obtained the entire dominion over their nominal masters.

By these various ways and means Debi Sing contrived to add job to job, employment to employment, and to hold, besides the farms of two very considerable districts, various trusts in the revenue, — some-

times openly appearing, sometimes hid two or three deep in false names, emerging into light or shrouding himself in darkness, as successful or defeated crimes rendered him bold or cautious. Every one of these trusts was marked with its own fraud; and for one of those frauds, committed by him in another name, by which he became deeply in balance to the revenue, he was publicly whipped *by proxy*.

All this while Mr. Hastings kept his eye upon him, and attended to his progress. But as he rose in Mr. Hastings's opinion, he fell in that of his immediate employers. By degrees, as reason prevailed, and the fumes of pleasure evaporated, the Provincial Council emerged from their first dependence, and, finding nothing but infamy attending the councils and services of such a man, resolved to dismiss him. In this strait and crisis of his power the artist turned himself into all shapes. He offered great sums individually, he offered them collectively, and at last put a *carte blanche* on the table, — all to no purpose. "What are you? — stones? Have I not men to deal with? Will flesh and blood refuse me?"

When Debi Sing found that the Council had entirely escaped, and were proof against his offers, he left them with a sullen and menacing silence. He applied where he had good intelligence that these offers would be well received, and that he should at once be revenged of the Council, and obtain all the ends which through them he had sought in vain.

Without hesitation or scruple Mr. Hastings sold a set of innocent officers, — sold his fellow-servants of the Company, entitled by every duty to his protection, — sold English subjects, recommended by every tie of national sympathy, — sold the honor of the

British government itself, — without charge, without complaint, without allegation of crime in conduct, or of insufficiency in talents: he sold them to the most known and abandoned character which the rank servitude of that clime produces. For *him* he entirely broke and quashed the Council of Moorshedabad, which had been the settled government for twelve years, (a long period in the changeful history of India,) — at a time, too, when it had acquired a great degree of consistency, an official experience, a knowledge and habit of business, and was making full amends for early errors.

For now Mr. Hastings, having buried Colonel Monson and General Clavering, and having shaken off Mr. Francis, who retired half dead from office, began at length to respire; he found elbow-room once more to display his genuine nature and disposition, and to make amends in a riot and debauch of peculation for the forced abstinence to which he was reduced during the usurped dominion of honor and integrity.

It was not enough that the English were thus sacrificed to the revenge of Debi Sing. It was necessary to deliver over the natives to his avarice. By the intervention of bribe-brokerage he united the two great rivals in iniquity, who before, from an emulation of crimes, were enemies to each other, — Gunga Govind Sing and Debi Sing. He negotiated the bribe and the farm of the latter through the former; and Debi Sing was invested in farm for two years with the three provinces of Dinagepore, Edrackpore, and Rungpore, — territories making together a tract of land superior in dimensions to the northern counties of England, Yorkshire included.

To prevent anything which might prove an obstacle

on the full swing of his genius, he removed all the restraints which had been framed to give an ostensible credit, to give some show of official order, to the plans of revenue administration framed from time to time in Bengal. An officer, called a *dewan*, had been established in the provinces, expressly as a check on the person who should act as farmer-general. This office he conferred along with that of farmer-general on Debi Sing, in order that Debi might become an effectual check upon Sing; and thus these provinces, without inspection, without control, without law, and without magistrates, were delivered over by Mr. Hastings, bound hand and foot, to the discretion of the man whom he had before recorded as the destroyer of Purneah, and capable of every the most atrocious wickedness that could be imputed to man.

Fatally for the natives of India, every wild project and every corrupt sale of Mr. Hastings, and those whose example he followed, is covered with a pretended increase of revenue to the Company. Mr. Hastings would not pocket his bribe of 40,000*l.* for himself without letting the Company in as a sharer and accomplice. For the province of Rungpore, the object to which I mean in this instance to confine your attention, 7,000*l.* a year was added. But lest this avowed increase of rent should seem to lead to oppression, great and religious care was taken in the covenant so stipulated with Debi Sing, that *this* increase should not arise from any additional assessment whatsoever on the country, but solely from improvements in the cultivation, and the encouragement to be given to the landholder and husbandman. But as Mr. Hastings's bribe, of a far greater sum, was not guarded by any such provision, it was left to the

discretion of the donor in what manner he was to indemnify himself for it.

Debi Sing fixed the seat of his authority at Dinagepore, where, as soon as he arrived, he did not lose a moment in doing his duty. If Mr. Hastings can forget his covenant, you may easily believe that Debi Sing had not a more correct memory; and accordingly, as soon as he came into the province, he instantly broke every covenant which he had entered into as a restraint on his avarice, rapacity, and tyranny, which, from the highest of the nobility and gentry to the lowest husbandmen, were afterwards exercised, with a stern and unrelenting impartiality, upon the whole people. For, notwithstanding the province before Debi Sing's lease was, from various causes, in a state of declension, and in balance for the revenue of the preceding year, at his very first entrance into office he forced from the zemindars or landed gentry an enormous increase of their tribute. They refused compliance. On this refusal he threw the whole body of zemindars into prison, and thus in bonds and fetters compelled them to sign their own ruin by an increase of rent which they knew they could never realize. Having thus gotten them under, he added exaction to exaction, so that every day announced some new and varied demand, until, exhausted by these oppressions, they were brought to the extremity to which he meant to drive them, the sale of their lands.

The lands held by the zemindars of that country are of many descriptions. The first and most general are those that pay revenue; the others are of the nature of demesne lands, which are free, and pay no rent to government. The latter are for the immediate support of the zemindars and their families, — as from

the former they derive their influence, authority, and the means of upholding their dignity. The lands of the former description were immediately attached, sequestered, and sold for the most trifling consideration. The rent-free lands, the best and richest lands of the whole province, were sold, — sold for — what do your Lordships think? They were sold for less than one year's purchase, — at less than one year's purchase, at the most underrated value; so that the fee-simple of an English acre of rent-free land sold at the rate of seven or eight shillings. Such a sale, on such terms, strongly indicated the purchaser. And how did it turn out in fact? The purchaser was the very agent and instrument of Mr. Hastings, Debi Sing himself. He made the exaction; he forced the sale; he reduced the rate; and he became the purchaser at less than one year's purchase, and paid with the very money which he had extorted from the miserable vendors.

When he had thus sold and separated these lands, he united the whole body of them, amounting to about 7,000*l.* sterling a year (but, according to the rate of money and living in that country, equivalent to a rental in England of 30,000*l.* a year); and then having raised in the new letting, as on the sale he had fraudulently reduced those lands, he reserved them as an estate for himself, or to whomsoever resembling himself Mr. Hastings should order them to be disposed.

The lands, thus sold for next to nothing, left of course the late landholder still in debt. The failure of fund, the rigorous exaction of debt, and the multiplication of new arbitrary taxes next carried off the goods.

There is a circumstance attending this business

which will call for your Lordships' pity. Most of the landholders or zemindars in that country happened at that time to be women. The sex there is in a state certainly resembling imprisonment, but guarded as a sacred treasure with all possible attention and respect. None of the coarse male hands of the law can reach them; but they have a custom, very cautiously used in all good governments there, of employing female bailiffs or sergeants in the execution of the law, where that sex is concerned. Guards, therefore, surrounded the houses; and then female sergeants and bailiffs entered into the habitations of these female zemindars, and held their goods and persons in execution, — nothing being left but what was daily threatened, their life and honor. The landholders, even women of eminent rank and condition, (for such the greatest part of the zemindars then were,) fled from the ancient seats of their ancestors, and left their miserable followers and servants, who in that country are infinitely numerous, without protection and without bread. The monthly instalment of Mr. Hastings's bribe was become due, and his rapacity must be fed from the vitals of the people.

The zemindars, before their own flight, had the mortification to see all the lands assigned to charitable and to religious uses, the humane and pious foundations of themselves and their ancestors, made to support infirmity and decrepitude, to give feet to the lame and eyes to the blind, and to effect which they had deprived themselves of many of the enjoyments of life, cruelly sequestered and sold at the same market of violence and fraud where their demesne possessions and their goods had been before made away with. Even the lands and funds set aside for their

funeral ceremonies, in which they hoped to find an end to their miseries, and some indemnity of imagination for all the substantial sufferings of their lives, — even the very feeble consolations of death, were, by the same rigid hand of tyranny, — a tyranny more consuming than the funeral pile, more greedy than the grave, and more inexorable than death itself, — seized and taken to make good the honor of corruption and the faith of bribery pledged to Mr. Hastings or his instruments.

Thus it fared with the better and middling orders of the people. Were the lower, the more industrious, spared? Alas! as their situation was far more helpless, their oppression was infinitely more sore and grievous, the exactions yet more excessive, the demand yet more vexatious, more capricious, more arbitrary. To afford your Lordships some idea of the condition of those who were served up to satisfy Mr. Hastings's hunger and thirst for bribes, I shall read it to you in the very words of the representative tyrant himself, Rajah Debi Sing. Debi Sing, when he was charged with a fraudulent sale of the ornaments of gold and silver of women, who, according to the modes of that country, had starved themselves to decorate their unhappy persons, argued on the improbability of this part of the charge in these very words.

"It is notorious," says he, "that poverty generally prevails amongst the husbandmen of Rungpore, more perhaps than in any other parts of the country. They are seldom possessed of any property, except at the time they reap their harvest; and at others barely procure their subsistence. And this is the cause that such numbers of them were swept away by the famine. Their effects are only a little earthen-ware, and their

houses only a handful of straw, the sale of a *thousand* of which would not perhaps produce twenty shillings."

These were the opulent people from whose superfluities Mr. Hastings was to obtain a gift of 40,000*l.*, over and above a large increase of rent, over and above the exactions by which the farmer must reimburse himself for the advance of the money by which he must obtain the natural profit of the farm as well as supply the peculium of his own avarice.

Therefore your Lordships will not be surprised at the consequences. All this unhappy race of little farmers and tillers of the soil were driven like a herd of cattle by his extortioners, and compelled by imprisonments, by fetters, and by cruel whippings, to engage for more than the whole of their substance or possible acquisition.

Over and above this, there was no mode of extortion, which the inventive imagination of rapacity could contrive, that was not contrived, and was not put in practice. On its own day your Lordships will hear, with astonishment, detestation, and horror, the detail of these tyrannous inventions; and it will appear that the aggregate of these superadded demands amounted to as great a sum as the whole of the compulsory rent on which they were piled.

The country being in many parts left wholly waste and in all parts considerably depopulated by the first rigors, the full rate of the district was exacted from the miserable survivors. Their burdens were increased, as their fellow-laborers, to whose joint efforts they were to owe the means of payment, diminished. Driven to make payments beyond all possible calculation, previous to receipts and above their

means, in a very short time they fell into the hands of usurers.

The usurers, who under such a government held their own funds by a precarious tenure, and were to lend to those whose substance was still more precarious, to the natural hardness and austerity of that race of men had additional motives to extortion, and made their terms accordingly. And what were the terms these poor people were obliged to consent to, to answer the bribes and peshcush paid to Mr. Hastings? —five, ten, twenty, forty per cent? No! at an interest of six hundred per cent per annum, payable by the day! A tiller of land to pay six hundred per cent to discharge the demands of government! What exhaustless fund of opulence could supply this destructive resource of wretchedness and misery? Accordingly, the husbandman ground to powder between the usurer below and the oppressor above, the whole crop of the country was forced at once to market; and the market glutted, overcharged, and suffocated, the price of grain fell to the fifth part of its usual value. The crop was then gone, but the debt remained. An universal treasury extent and process of execution followed on the cattle and stock, and was enforced with more or less rigor in every quarter. We have it in evidence, that in those sales five cows were sold for not more than seven or eight shillings. All other things were depreciated in the same proportion. The sale of the instruments of husbandry succeeded to that of the corn and stock. Instances there are, where, all other things failing, the farmers were dragged from the court to their houses, in order to see them first plundered, and then burnt down before their faces. It was not a rigorous collection of revenue, it was a savage war made upon the country.

The peasants were left little else than their families and their bodies. The families were disposed of. It is a known observation, that those who have the fewest of all other worldly enjoyments are the most tenderly attached to their children and wives. The most tender of parents sold their children at market. The most fondly jealous of husbands sold their wives. The tyranny of Mr. Hastings extinguished every sentiment of father, son, brother, and husband!

I come now to the last stage of their miseries. Everything visible and vendible was seized and sold. Nothing but the bodies remained.

It is the nature of tyranny and rapacity never to learn moderation from the ill-success of first oppressions; on the contrary, all oppressors, all men thinking highly of the methods dictated by their nature, attribute the frustration of their desires to the want of sufficient rigor. Then they redouble the efforts of their impotent cruelty, which producing, as they must ever produce, new disappointments, they grow irritated against the objects of their rapacity; and then rage, fury, and malice, implacable because unprovoked, recruiting and reinforcing their avarice, their vices are no longer human. From cruel men they are transformed into savage beasts, with no other vestiges of reason left but what serves to furnish the inventions and refinements of ferocious subtlety, for purposes of which beasts are incapable and at which fiends would blush.

Debi Sing and his instruments suspected, and in a few cases they suspected justly, that the country people had purloined from their own estates, and had hidden in secret places in the circumjacent deserts, some small reserve of their own grain to maintain

themselves during the unproductive months of the year, and to leave some hope for a future season. But the under-tyrants knew that the demands of Mr. Hastings would admit no plea for delay, much less for subtraction of his bribe, and that he would not abate a shilling of it to the wants of the whole human race. These hoards, real or supposed, not being discovered by menaces and imprisonment, they fell upon the last resource, the naked bodies of the people. And here, my Lords, began such a scene of cruelties and tortures as I believe no history has ever presented to the indignation of the world, — such as I am sure, in the most barbarous ages, no politic tyranny, no fanatic persecution, has ever yet exceeded. Mr. Paterson, the commissioner appointed to inquire into the state of the country, makes his own apology and mine for opening this scene of horrors to you in the following words: "That the punishments inflicted upon the ryots, both of Rungpore and Dinagepore, for non-payment, were in many instances of such a nature that I would rather wish to draw a veil over them than shock your feelings by the detail, but that, however disagreeable the task may be to myself, it is absolutely necessary, for the sake of justice, humanity, and the honor of government, that they should be exposed, to be prevented in future."

My Lords, they began by winding cords round the fingers of the unhappy freeholders of those provinces, until they clung to and were almost incorporated with one another; and then they hammered wedges of iron between them, until, regardless of the cries of the sufferers, they had bruised to pieces and forever crippled those poor, honest, innocent, laborious hands, which had never been raised to their mouths but with

a penurious and scanty proportion of the fruits of their own soil; but those fruits (denied to the wants of their own children) have for more than fifteen years past furnished the investment for our trade with China, and been sent annually out, and without recompense, to purchase for us that delicate meal with which your Lordships, and all this auditory, and all this country, have begun every day for these fifteen years at their expense. To those beneficent hands that labor for our benefit the return of the British government has been cords and hammers and wedges. But there is a place where these crippled and disabled hands will act with resistless power. What is it that they will not pull down, when they are lifted to heaven against their oppressors? Then what can withstand such hands? Can the power that crushed and destroyed them? Powerful in prayer, let us at least deprecate and thus endeavor to secure ourselves from the vengeance which these mashed and disabled hands may pull down upon us. My Lords, it is an awful consideration: let us think of it.

But to pursue this melancholy, but necessary detail. I am next to open to your Lordships, what I am hereafter to prove, that the most substantial and leading yeomen, the responsible farmers, the parochial magistrates and chiefs of villages, were tied two and two by the legs together; and their tormentors, throwing them with their heads downwards, over a bar, beat them on the soles of the feet with rattans, until the nails fell from the toes; and then attacking them at their heads, as they hung downward, as before at their feet, they beat them with sticks and other instruments of blind fury, until

the blood gushed out at their eyes, mouths, and noses. Not thinking that the ordinary whips and cudgels, even so administered, were sufficient, to others (and often also to the same who had suffered as I have stated) they applied, instead of rattan and bamboo, whips made of the branches of the bale tree, — a tree full of sharp and strong thorns, which tear the skin and lacerate the flesh far worse than ordinary scourges. For others, exploring with a searching and inquisitive malice, stimulated by an insatiate rapacity, all the devious paths of Nature for whatever is most unfriendly to man, they made rods of a plant highly caustic and poisonous, called *Bechettea*, every wound of which festers and gangrenes, adds double and treble to the present torture, leaves a crust of leprous sores upon the body, and often ends in the destruction of life itself. At night, these poor innocent sufferers, these martyrs of avarice and extortion, were brought into dungeons; and in the season when nature takes refuge in insensibility from all the miseries and cares which wait on life, they were three times scourged, and made to reckon the watches of the night by periods and intervals of torment. They were then led out, in the severe depth of winter, which there at certain seasons would be severe to any, to the Indians is most severe and almost intolerable, — they were led out before break of day, and, stiff and sore as they were with the bruises and wounds of the night, were plunged into water; and whilst their jaws clung together with the cold, and their bodies were rendered infinitely more sensible, the blows and stripes were renewed upon their backs; and then, delivering them over to soldiers, they were sent into their farms and villages to discover where a few handfuls of grain

might be found concealed, or to extract some loan from the remnants of compassion and courage not subdued in those who had reason to fear that their own turn of torment would be next, that they should succeed them in the same punishment, and that their very humanity, being taken as a proof of their wealth, would subject them (as it did in many cases subject them) to the same inhuman tortures. After this circuit of the day through their plundered and ruined villages, they were remanded at night to the same prison, whipped, as before, at their return to the dungeon, and at morning whipped at their leaving it, and then sent, as before, to purchase, by begging in the day, the reiteration of the torture in the night. Days of menace, insult, and extortion, nights of bolts, fetters, and flagellation, succeeded to each other in the same round, and for a long time made up all the vicissitude of life to these miserable people.

But there are persons whose fortitude could bear their own suffering; there are men who are hardened by their very pains, and the mind, strengthened even by the torments of the body, rises with a strong defiance against its oppressor. They were assaulted on the side of their sympathy. Children were scourged almost to death in the presence of their parents. This was not enough. The son and father were bound close together, face to face and body to body, and in that situation cruelly lashed together, so that the blow which escaped the father fell upon the son, and the blow which missed the son wound over the back of the parent. The circumstances were combined by so subtle a cruelty that every stroke which did not excruciate the sense should wound and lacerate the sentiments and affections of nature.

On the same principle, and for the same ends, virgins, who had never seen the sun, were dragged from the inmost sanctuaries of their houses, and in the open court of justice, in the very place where security was to be sought against all wrong and all violence, (but where no judge or lawful magistrate had long sat, but in their place the ruffians and hangmen of Warren Hastings occupied the bench,) these virgins, vainly invoking heaven and earth, in the presence of their parents, and whilst their shrieks were mingled with the indignant cries and groans of all the people, publicly were violated by the lowest and wickedest of the human race. Wives were torn from the arms of their husbands, and suffered the same flagitious wrongs, which were indeed hid in the bottoms of the dungeons in which their honor and their liberty were buried together. Often they were taken out of the refuge of this consoling gloom, stripped naked, and thus exposed to the world, and then cruelly scourged; and in order that cruelty might riot in all the circumstances that melt into tenderness the fiercest natures, the nipples of their breasts were put between the sharp and elastic sides of cleft bamboos. Here in my hand is my authority; for otherwise one would think it incredible. But it did not end there. Growing from crime to crime, ripened by cruelty for cruelty, these fiends, at length outraging sex, decency, nature, applied lighted torches and slow fire — (I cannot proceed for shame and horror!) — these infernal furies planted death in the source of life, and where that modesty, which, more than reason, distinguishes men from beasts, retires from the view, and even shrinks from the expression, there they exercised and glutted their unnatural, monstrous, and nefarious

cruelty, — there, where the reverence of nature and the sanctity of justice dares not to pursue, nor venture to describe their practices.

These, my Lords, were sufferings which we feel all in common, in India and in England, by the general sympathy of our common nature. But there were in that province (sold to the tormentors by Mr. Hastings) things done, which, from the peculiar manners of India, were even worse than all I have laid before you; as the dominion of manners and the law of opinion contribute more to their happiness and misery than anything in mere sensitive nature can do.

The women thus treated lost their caste. My Lords, we are not here to commend or blame the institutions and prejudices of a whole race of people, radicated in them by a long succession of ages, on which no reason or argument, on which no vicissitudes of things, no mixtures of men, or foreign conquest, have been able to make the smallest impression. The aboriginal Gentoo inhabitants are all dispersed into tribes or castes, — each caste born to an invariable rank, rights, and descriptions of employment, so that one caste cannot by any means pass into another. With the Gentoos, certain impurities or disgraces, though without any guilt of the party, infer loss of caste; and when the highest caste, that of Brahmin, which is not only noble, but sacred, is lost, the person who loses it does not slide down into one lower, but reputable, — he is wholly driven from all honest society. All the relations of life are at once dissolved. His parents are no longer his parents; his wife is no longer his wife; his children, no longer his, are no longer to regard him as their father. It is something far worse than complete outlawry, complete attainder,

and universal excommunication. It is a pollution even to touch him; and if he touches any of his old caste, they are justified in putting him to death. Contagion, leprosy, plague, are not so much shunned. No honest occupation can be followed. He becomes an *halicore*, if (which is rare) he survives that miserable degradation.

Upon those whom all the shocking catalogue of tortures I have mentioned could not make to flinch one of the modes of losing caste for Brahmins and other principal tribes was practised. It was to harness a bullock at the court-door, and to put the Brahmin on his back, and to lead him through the towns, with drums beating before him. To intimidate others, this bullock, with drums, (the instrument, according to their ideas, of outrage, disgrace, and utter loss of caste,) was led through the country; and as it advanced, the country fled before it. When any Brahmin was seized, he was threatened with this pillory, and for the most part he submitted in a moment to whatever was ordered. What it was may be thence judged. But when no possibility existed of complying with the demand, the people by their cries sometimes prevailed on the tyrants to have it commuted for cruel scourging, which was accepted as mercy. To some Brahmins this mercy was denied, and the act of indelible infamy executed. Of these men one came to the Company's commissioner with the tale, and ended with these melancholy words: "I have suffered this indignity; my caste is lost; my life is a burden to me: I call for justice." He called in vain.

Your Lordships will not wonder that these monstrous and oppressive demands, exacted with such tor-

tures, threw the whole province into despair. They abandoned their crops on the ground. The people, in a body, would have fled out of its confines; but bands of soldiers invested the avenues of the province, and, making a line of circumvallation, drove back those wretches, who sought exile as a relief, into the prison of their native soil. Not suffered to quit the district, they fled to the many wild thickets which oppression had scattered through it, and sought amongst the jungles, and dens of tigers, a refuge from the tyranny of Warren Hastings. Not able long to exist here, pressed at once by wild beasts and famine, the same despair drove them back; and seeking their last resource in arms, the most quiet, the most passive, the most timid of the human race rose up in an universal insurrection; and, what will always happen in popular tumults, the effects of the fury of the people fell on the meaner and sometimes the reluctant instruments of the tyranny, who in several places were massacred. The insurrection began in Rungpore, and soon spread its fire to the neighboring provinces, which had been harassed by the same person with the same oppressions. The English Chief in that province had been the silent witness, most probably the abettor and accomplice, of all these horrors. He called in first irregular, and then regular troops, who by dreadful and universal military execution got the better of the impotent resistance of unarmed and undisciplined despair. I am tired with the detail of the cruelties of peace. I spare you those of a cruel and inhuman war, and of the executions which, without law or process, or even the shadow of authority, were ordered by the English Revenue Chief in that province.

In our Indian government, whatever grievance is

borne is denied to exist, and all mute despair and sullen patience is construed into content and satisfaction. But this general insurrection, which at every moment threatened to blaze out afresh, and to involve all the provinces in its flames, rent in pieces that veil of fraud and mystery that covers all the miseries of all the provinces. Calcutta rung with it; and it was feared it would go to England. The English Chief in the province, Mr. Goodlad, represented it to Mr. Hastings's Revenue Committee to be (what it was) the greatest and most serious disturbance that ever happened in Bengal. But, good easy man, he was utterly unable to guess to what cause it was to be attributed. He thought there was some irregularity in the collection, but on the whole judged that it had little other cause than a general conspiracy of the husbandmen and landholders, who, as Debi Sing's lease was near expiring, had determined not to pay any more revenue.

Mr. Hastings's Committee of Revenue, whilst these wounds were yet bleeding, and whilst a total failure was threatened in the rents of these provinces, thought themselves obliged to make an inquiry with some sort of appearance of seriousness into the causes of it. They looked, therefore, about them carefully, and chose what they judged would be most plausible and least effective. They thought that it was necessary to send a special commissioner into the province, and one, too, whose character would not instantly blast the credit of his mission. They cast their eyes on a Mr. Paterson, a servant of the Company, a man of fair character, and long standing in the service. Mr. Paterson was a person known to be of a very cool temper, placid manners, moderate and middle

opinions, unconnected with parties; and from such a character they looked for (what sometimes is to be expected from it) a compromising, balanced, neutralized, equivocal, colorless, confused report, in which the blame was to be impartially divided between the sufferer and the oppressor, and in which, according to the standing manners of Bengal, he would recommend oblivion as the best remedy, and would end by remarking, that retrospect could have no advantage, and could serve only to irritate and keep alive animosities; and by this kind of equitable, candid, and judge-like proceeding, they hoped the whole complaint would calmly fade away, the sufferers remain in the possession of their patience, and the tyrant of his plunder. In confidence of this event from this presumed character, Mr. Hastings's Committee, in appointing Mr. Paterson their commissioner, were not deficient in arming him with powers equal to the object of his commission. He was enabled to call before him all accountants, to compel the production of all accounts, to examine all persons, — not only to inquire and to report, but to decide and to redress.

Such is the imperfection of human wisdom that the Committee totally failed in their well-laid project. They were totally mistaken in their man. Under that cold outside the commissioner, Paterson, concealed a firm, manly, and fixed principle, a deciding intellect, and a feeling heart. My Lords, he is the son of a gentleman of a venerable age and excellent character in this country, who long filled the seat of chairman of the Committee of Supply in the House of Commons, and who is now enjoying repose from his long labors in an honorable age. The son, as soon as he was appointed to this commission, was awed by

and dreaded the consequences. He knew to what temptation he should be exposed, from the known character of Debi Sing, to suppress or to misrepresent facts. He therefore took out a letter he had from his father, which letter was the preservation of his character and destruction of his fortune. This letter he always resorted to in all trying exigencies of his life. He laid the letter before him, and there was enjoined such a line of integrity, incorruptness, of bearing every degree of persecution rather than disguising truth, that he went up into the country in a proper frame of mind for doing his duty.

He went to Rungpore strongly impressed with a sense of the great trust that was placed in him; and he had not the least reason to doubt of full support in the execution of it,—as he, with every other white man in Bengal, probably, and every black, except two, was ignorant of the fact, that the Governor-General, under whose delegated authority he was sent, had been bribed by the farmer-general of those provinces, and had sold them to his discretion for a great sum of money. If Paterson had known this fact, no human consideration would have induced him, or any other man of common prudence, to undertake an inquiry into the conduct of Debi Sing. Pity, my Lords, the condition of an honest servant in Bengal.

But Paterson was ignorant of this dark transaction, and went simply to perform a duty. He had hardly set his foot in the province, when the universal, unquestioned, uncontradicted testimony of the whole people, concurring with the manifest evidence of things which could not lie, with the face of an utterly ruined, undone, depopulated country, and saved from literal and exceptionless depopulation only by

the exhibition of scattered bands of wild, naked, meagre, half-famished wretches, who rent heaven with their cries and howlings, left him no sort of doubt of the real cause of the late tumults. In his first letters he conveyed his sentiments to the Committee with these memorable words. "In my two reports I have set forth in a general manner the oppressions which provoked the ryots to rise. I shall, therefore, not enumerate them now. Every day of my inquiry serves but to confirm the facts. The wonder would have been, if they had not risen. It was not collection, but real robbery, aggravated by corporal punishment and every insult of disgrace, — and this not confined to a few, but extended over every individual. Let the mind of man be ever so much inured to servitude, still there is a point where oppressions will rouse it to resistance. Conceive to yourselves what must be the situation of a ryot, when he sees everything he has in the world seized, to answer an exaggerated demand, and sold at so low a price as not to answer one half of that demand, — when he finds himself so far from being released, that he remains still subject to corporal punishment. But what must be his feelings, when his tyrant, seeing that kind of severity of no avail, adds family disgrace and loss of caste! You, Gentlemen, who know the reserve of the natives in whatever concerns their women, and their attachment to their castes, must allow the full effect of these prejudices under such circumstances."

He, however, proceeded with steadiness and method, and in spite of every discouragement which could be thrown in his way by the power, craft, fraud, and corruption of the farmer-general, Debi Sing, by the collusion of the Provincial Chief, and by the decay of

support from his employers, which gradually faded away and forsook him, as his occasions for it increased. Under all these, and under many more discouragements and difficulties, he made a series of able, clear, and well-digested reports, attended with such evidence as never before, and, I believe, never will again appear, of the internal provincial administration of Bengal, — of evils universally understood, which no one was ever so absurd as to contradict, and whose existence was never denied, except in those places where they ought to be rectified, although none before Paterson had the courage to display the particulars. By these reports, carefully collated with the evidence, I have been enabled to lay before you some of the effects, in one province and part of another, of Governor Hastings's general system of bribery.

But now appeared, in the most striking light, the good policy of Mr. Hastings's system of 1780, in placing this screen of a Committee between him and his crimes. The Committee had their lesson. Whilst Paterson is left collecting his evidence and casting up his accounts in Rungpore, Debi Sing is called up, in seeming wrath, to the capital, where he is received as those who have robbed and desolated provinces, and filled their coffers with seven hundred thousand pounds sterling, have been usually received at Calcutta, and sometimes in Great Britain. Debi Sing made good his ground in Calcutta, and when he had well prepared his Committee, in due time Paterson returns, appears, and reports.

Persons even less informed than your Lordships are well apprised that all officers representing government, and making in that character an author-

ized inquiry, are entitled to a presumptive credit for all their proceedings, and that their reports of facts (where there is no evidence of corruption or malice) are in the first instance to be taken for truth, especially by those who have authorized the inquiry; and it is their duty to put the burden of proof to the contrary on those who would impeach or shake the report.

Other principles of policy, and other rules of government, and other maxims of office prevailed in the Committee of Mr. Hastings's devising. In order to destroy that just and natural credit of the officer, and the protection and support they were bound to afford him, they in an instant shift and reverse all the relations in which the parties stood.

This executive board, instituted for the protection of the revenue and of the people, and which was no court of justice in fact or name, turned their own representative officer, reporting facts according to his duty, into a voluntary accuser who is to make good his charge at his peril; the farmer-general, whose conduct was not criminally attacked, but appeared as one of the grounds of a public inquiry, is turned into a culprit before a court of justice, against whom everything is to be juridically made out or not admitted; and the members of an executive board, by usurpation and fraud, erect themselves into judges bound to proceed by strict rules of law.

By this infamous juggle they took away, as far as in them lay, the credit due to the proceedings of government. They changed the natural situation of proofs. They rejected the depositions of Paterson's witnesses, as not on oath, though they had never ordered or authorized them so to be taken.

They went further, and disabled, in a body, all the deponents themselves, whether on oath or not on oath by discrediting the whole province as a set of criminals who gave evidence to palliate their own rebellion. They administered interrogatories to the commissioner instead of the culprit. They took a base fellow, whom they had themselves ordered their commissioner to imprison for crimes, (crimes charged on him, not by the commissioner, but by themselves,) and made him a complainant and a witness against him in the stupidest and most improbable of all accusations, — namely, that Paterson had menaced him with punishment, if he did not, in so many words, slander and calumniate Debi Sing; and then the Committee, seating this wretch as an assessor at their own board, who a few days before would have trembled like a whipped slave at the look of an European, encouraged him to interrogate their own commissioner.

[*Here Mr. Burke was taken ill, and obliged to sit down. After some time Mr. Burke again addressed the House.*]

My Lords, I am sorry to break the attention of your Lordships in such a way. It is a subject that agitates me. It is long, difficult, and arduous; but with the blessing of God, if I can, to save you any further trouble, I will go through it this day.

I am to tell your Lordships, that the next step they took was, after putting Mr. Paterson as an accuser to make good a charge which he made out but too much to their satisfaction, they changed their battery.

[*Mr. Burke's illness increased; upon which the House, on the motion of His Royal Highness the Prince of Wales, adjourned.*]

SPEECH

IN

OPENING THE IMPEACHMENT.

FOURTH DAY: TUESDAY, FEBRUARY 19, 1788.

MY LORDS, — In any great undertaking, a failure in the midst of it, even from infirmity, though to be regarded principally as a misfortune, is attended with some slight shadow of disgrace; but your Lordships' humanity, and your love of justice, have remedied everything, and I therefore proceed with confidence this day.

My Lords, I think (to the best of my remembrance) the House adjourned at the period of time in which I was endeavoring to illustrate the mischiefs that happened from Mr. Hastings's throwing off his responsibility, by delegating his power to a nominal Council, and in reality to a black bad man, a native of the country, of the worst character that could be found in it, — and the consequence of it, in preventing the detection and the punishment of the grossest abuses that ever were known to be committed in India, or any other part of the world.

My Lords, I stated to you that Mr. Commissioner Paterson was sent into that country. I stated that he was sent into it with all the authority of government, with power to hear, and not only to hear and to report, but to redress, the grievances which he should find in the country. In short, there was noth-

ing wanting to his power but an honest support. Your Lordships will be convinced that the road to fortune was easy to him. Debi Sing for a favorable report would have given a large sum of money. Your Lordships will be convinced that the Committee would not have received such a report as a proof of bribery. They would rather consider him as a man whose conduct tended to conciliate, and to soften troublesome and difficult matters, and to settle the order of government as soon as possible.

Some of the things contained in his reports I have taken the liberty of laying before your Lordships, but very faintly, very imperfectly, and far short of my materials. I have stated, that the criminal, against whom the commissioner had made his report, instead of being punished by that strong hand of power which Mr. Hastings has thought proper to use upon other occasions, when he has endeavored to make princes, or persons in the rank and with the attributes of sovereign princes, feel whenever they have incurred his private resentments, — that this man was put into every situation of offence or defence which the most litigious and prevaricating laws that ever were invented in the very bosom of arbitrary power could afford him, or by which peculation and power were to be screened from the cries of an oppressed people.

Mr. Paterson, I stated, from being a commissioner directed to report, under the authority of government, to that government, was considered as a voluntary accuser, obliged to make good the articles of his charge. But I believe I stated that he did not long remain in that condition.

I shall now proceed to state to your Lordships, that

this Debi Sing, fortified by this protection, which was extended even to the lowest of his instruments, thought it high time to assume the superiority that belonged to a personage who had the Governor-General for his *pensioner*. No longer the sneaking tone of apology; no longer the modest allegations that the commissioner was misinformed; — he boldly accuses the representative of English government of forgery in order to destroy him; he criminates and recriminates, and lays about him without mercy.

Things were now in a proper train; the Committee find the cause growing and ripening to their wishes; — answers, replies, objections, and interrogatories, — accounts opposed to accounts, — balances now on the one side, now on the other, — now debtor becomes creditor, and creditor debtor, — until the proceedings were grown to the size of volumes, and the whole well fitted to perplex the most simple facts, and to darken the meridian sunshine of public notoriety. They prepared a report for the Governor-General and Council suitable to the whole tenor of their proceedings. Here the man whom they had employed and betrayed appeared in a new character. Observe their course with him. First he was made a commissioner. Then he was changed from a commissioner to be a voluntary accuser. He now undergoes another metamorphosis: he appears as a culprit before Mr. Hastings, on the accusation of the donor of Mr. Hastings's bribes. He is to answer to the accusations of Debi Sing. He is permitted to find materials for his own defence; and he, an old Company's servant, is to acknowledge it as a favor to be again suffered to go into the province, without authority, without station, without public character, under the

discountenance and frowns, and in a manner under prosecution, of the government. As a favor, he is suffered to go again into Rungpore, in hopes of finding among the dejected, harassed, and enslaved race of Hindoos, and in that undone province, men bold enough to stand forward, against all temptations of emolument, and at the risk of their lives, with a firm adherence to their original charge, — and at a time when they saw *him* an abandoned and persecuted private individual, whom they had just before looked upon as a protecting angel, carrying with him the whole power of a beneficent government, and whom they had applied to, as a magistrate of high and sacred authority, to hear the complaints and to redress the grievances of a whole people.

A new commission of junior servants was at the same time sent out to review and reëxamine the cause, to inquire into the inquiry, to examine into the examination, to control the report, to be commissioners upon the commission of Mr. Paterson. Before these commissioners he was made to appear as an accused person, and was put upon his defence, but without the authority and without the favor which ought to go with an accused person for the purpose of enabling him to make out such defence.

These persons went down into that country, and, after spending a long time in mere matters of form, found they could not do without a representative of Debi Sing, and accordingly they ordered Debi Sing to send up his *vakeel.*

I forgot to state to your Lordships what the condition of Debi Sing was during this proceeding. This man had been ordered to Calcutta on two grounds: one, on the matter of his flagitious misconduct at

Rungpore; and the other, for a great failure in the payment of his stipulated revenue. Under this double accusation, he was to be considered, according to the usual mode of proceeding in such cases, as a prisoner; and he was kept, not in the common gaol of Calcutta, not in the prison of the fort, not in that gaol in which Rajah Nundcomar, who had been prime-minister of the empire, was confined, but, according to the mild ways of that country, where they choose to be mild, and the persons are protected by the official influence of power, under a free custody. He was put under a guard of sepoys, but not confined to his house; he was permitted to go abroad, where he was daily in conference with those who were to judge him; and having an address which seldom fails, and a dexterity never wanting to a man possessed of 700,000*l*., he converted this guard into a retinue of honor: their bayonets were lowered, their muskets laid aside; they attended him with their side-arms, and many with silver verges in their hands, to mark him out rather as a great magistrate attended by a retinue than a prisoner under guard.

When he was ordered to send a vakeel to defend his conduct, he refused to send him. Upon which the commissioners, instead of saying, "If you will not send your agent, we will proceed in our inquiry without him," (and, indeed, it was not made necessary by the commission that he should be there either by vakeel or otherwise,) condescendingly admitted his refusal, and suffered him to come up in person. He accordingly enters the province, attended with his guard, in the manner I have before mentioned, more as a person returning in triumph from a great victory than as a man under the load of all those enormous

charges which I have stated. He enters the province in this manner; and Mr. Paterson, who saw himself lately the representative of the India Company, (an old servant of the Company is a great man in that country,) was now left naked, destitute, without any mark of official situation or dignity. He was present, and saw all the marks of imprisonment turned into marks of respect and dignity to this consummate villain whom I have the misfortune of being obliged to introduce to your Lordships' notice. Mr. Paterson, seeing the effect of the proceeding everywhere, seeing the minds of the people broken, subdued, and prostrate under it, and that, so far from having the means of detecting the villanies of this insolent criminal, appearing as a magistrate, he had not the means of defending even his own innocence, because every kind of information fled and was annihilated before him, represented to these young commissioners that this appearance of authority tended to strike terror into the hearts of the natives, and to prevent his receiving justice. The Council of Calcutta took this representation into their deliberate consideration; they found that it was true, that, if he had such an attendance any longer in this situation, (and a large attendance it was, such as the Chancellor of this kingdom or the Speaker of the House of Commons does not appear with,) it would have an evil appearance. On the other hand, say they, "*If he should be left under a guard, the people would consider him as under disgrace.*" They therefore took a middle way, and ordered the guard not to attend him with fixed bayonets, which had the appearance of the custody of a prisoner, but to lower their muskets and unfix their bayonets.

The next step of these commissioners is to exclude Mr. Paterson from all their deliberations; and in order that both parties might be put on an equality, one would naturally conclude that the culprit, Debi Sing, was likewise excluded. Far from it: he sat upon the bench. Need I say any more upon this subject? The protection followed.

In this situation Mr. Paterson wrote one of the most pathetic memorials that ever was penned to the Council of Calcutta, submitting to his hard fate, but standing inflexibly to his virtue that brought it upon him. To do the man justice, he bore the whole of this persecution like an hero. He never tottered in his principles, nor swerved to the right or to the left from the noble cause of justice and humanity in which he had been engaged; and when your Lordships come to see his memorials, you will have reason to observe that his abilities are answerable to the dignity of his cause, and make him worthy of everything that he had the honor to suffer for it.

To cut short the thread of this shocking series of corruption, oppression, fraud, and chicanery, which lasted for upwards of four years: Paterson remains without employment; the inhabitants of great provinces, whose substance and whose blood was sold by Mr. Hastings, remain without redress; and the purchaser, Debi Sing, that corrupt, iniquitous, and bloody tyrant, instead of being proceeded against by the Committee in a civil suit for retribution to the sufferers, is handed over to the false semblance of a trial, on a criminal charge, before a Mahometan judge,— an equal judge, however. The judge was Mahomed Reza Khân, his original patron, and the author of all his fortunes,—a judge who depends on him, as a

debtor depends upon his creditor. To that judge is he sent, without a distinct charge, without a prosecutor, and without evidence. The next ships will bring you an account of his honorable acquittal.

I have stated before that I considered Mr. Hastings as responsible for the characters of the people he employed, — doubly responsible, if he *knew* them to be bad. I therefore charge him with putting in situations in which any evil may be committed persons of known evil characters.

My Lords, I charge him, as chief governor, with destroying the institutions of the country, which were designed to be, and ought to have been, controls upon such a person as Debi Sing.

An officer, called dewan, or steward of the country, had always been placed as a control on the farmer; but that no such control should in fact exist, that he, Debi Sing, should be let loose to rapine, slaughter, and plunder in the country, both offices were conferred on him. Did Mr. Hastings vest these offices in him? No: but if Mr. Hastings had kept firm to the duties which the act of Parliament appointed him to execute, all the revenue appointments must have been made by him; but, instead of making them himself, he appointed Gunga Govind Sing to make them; and for that appointment, and for the whole train of subordinate villany which followed the placing iniquity in the chief seat of government, Mr. Hastings is answerable. He is answerable, I say, first, for destroying his own legal capacity, and, next, for destroying the legal capacity of the Council, not one of whom ever had, or could have, any true knowledge of the state of the country, from the moment he buried it in the gulf of mystery and of darkness,

under that collected heap of villany, Gunga Govind Sing. From that moment he destroyed the power of government, and put everything into his hands: for this he is answerable.

The Provincial Councils consisted of many members, who, though they might unite in some small iniquities perhaps, could not possibly have concealed from the public eye the commission of such acts as these. Their very numbers, their natural competitions, the contentions that must have arisen among them, must have put a check, at least, to such a business. And therefore, Mr. Hastings having destroyed every check and control above and below, having delivered the whole into the hands of Gunga Govind Sing, for all the iniquities of Gunga Govind Sing he is responsible.

But he did not know Debi Sing, whom he employed. I read, yesterday, and trust it is fresh in your Lordships' remembrance, that Debi Sing was presented to him by that set of tools, as they call themselves, who acted, as they themselves tell us they must act, entirely and implicitly under Gunga Govind Sing, — that is to say, by Gunga Govind Sing himself, the confidential agent of Mr. Hastings.

Mr. Hastings is further responsible, because he took a bribe of 40,000*l.* from some person in power in Dinagepore and Rungpore, the countries which were ravaged in this manner, through the hands of Gunga Govind Sing, — through the medium of that very person whom he had appointed to exercise all the authorities of the Supreme Council above and of all subordinate Councils below. Having, therefore, thus appointed a Council of tools in the hands of Gunga Govind Sing, at the expense of 62,000*l.* a year,

to supersede all the English provincial authorities,—having appointed them for the purpose of establishing a bribe-factor general, a general receiver and agent of bribes through all that country, Mr. Hastings is responsible for all the consequences of it.

I have thought it necessary, and absolutely necessary it is, to state what the consequence of this clandestine mode of supplying the Company's exigencies was. Your Lordships will see that their exigencies are to be supplied by the ruin of the landed interest of a province, the destruction of the husbandmen, and the ruin of all the people in it. This is the consequence of a general bribe-broker, an agent like Gunga Govind Sing, superseding all the powers and controls of government.

But Mr. Hastings has not only reduced bribery to a system of government practically, but theoretically. For when he despaired any longer of concealing his bribes from the penetrating eye of Parliament, then he took another mode, and declared, as your Lordships will see, that it was the best way of supplying the necessities of the East India Company in the pressing exigencies of their affairs; that thus a relief to the Company's affairs might be yielded, which, in the common, ostensible mode, and under the ordinary forms of government, and publicly, never would be yielded to them. So that bribery with him became a supplement to exaction.

The best way of showing that a theoretical system is bad is to show the practical mischiefs that it produces: because a thing may look specious in theory, and yet be ruinous in practice; a thing may look evil in theory, and yet be in its practice excellent. Here a thing in theory, stated by Mr. Hastings to be pro-

ductive of much good, is in reality productive of all those horrible mischiefs I have stated. That Mr. Hastings well knew this appears from an extract of the Bengal Revenue Consultations, 21st January, 1785, a little before he came away.

Mr. Hastings says, — "I entirely acquit Mr. Goodlad of all the charges: he has disproved them. It was the duty of the accuser to prove them. Whatever crimes may be established against Rajah Debi Sing, it does not follow that Mr. Goodlad was responsible for them; and I so well know the character and abilities of Rajah Debi Sing, that I can easily conceive that it was in his power both to commit the enormities which are laid to his charge, and to conceal the grounds of them from Mr. Goodlad, who had no authority but that of receiving the accounts and rents of the district from Rajah Debi Sing, and occasionally to be the channel of communication between him and the Committee."

We shall now see what things Mr. Hastings did, what course he was in, a little before his departure, — with what propriety and consistency of character he has behaved from the year of the commencement of his corrupt system, in 1773, to the end of it, when he closed it in 1785, when the bribes not only mounted the chariot, but boarded the barge, and, as I shall show, followed him down the Ganges, and even to the sea, and that he never quitted his system of iniquity, but that it survived his political life itself.

One of his last political acts was this.

Your Lordships will remember that Mr. Goodlad was sent up into the country, whose conduct was terrible indeed: for that he could not be in place and authority in that country, and be innocent, while

such things were doing, I shall prove. But that is not now my consideration.

The Governor-General's minute, just read, is this. "I entirely acquit Mr. Goodlad of all the charges: he has disproved them. It was the duty of the accuser to prove them" (the accuser, namely, the commissioner). "Whatever crimes may be established against Rajah Debi Sing, it does not follow that Mr. Goodlad was responsible for them; and I so well know the character," &c., &c., &c.

Now your Lordships perceive he has acquitted Mr. Goodlad. He is clear. Be it that he is fairly and conscientiously acquitted. But what is Mr. Hastings's account of Rajah Debi Sing? He is presented to him in 1781, by Gunga Govind Sing, as a person against whose character there could be no exception, and by him accepted in that light. Upon the occasion I have mentioned, Mr. Hastings's opinion of him is this: "I so well know the character and abilities of Rajah Debi Sing, that I can easily conceive that it was in his power both to commit the enormities which are laid to his charge, and to conceal the grounds of them from Mr. Goodlad, who had no authority but that of receiving the accounts and rents of the district from Rajah Debi Sing, and occasionally to be the channel of communication between him and the Committee."

Thus your Lordships see what Mr. Hastings's opinion of Debi Sing was. We shall prove it at another time, by abundance of clear and demonstrative evidence, that, whether he was bad or no, (but we shall prove that bad he was indeed,) *even he* could hardly be so bad as he was in the opinion which Mr. Hastings entertained of him; who, notwithstanding, now disowns this mock Committee, instituted by himself, but,

in reality, entirely managed by Gunga Govind Sing. This Debi Sing was accepted as an unexceptionable man; and yet Mr. Hastings knows both his power of doing mischief and his artifice in concealing it. If, then, Mr. Goodlad is to be acquitted, does it not show the evil of Mr. Hastings's conduct in destroying those Provincial Councils which, as I have already stated, were obliged to book everything, to minute all the circumstances which came before them, together with all the consultations respecting them? He strikes at the whole system at once, and, instead of it, he leaves an Englishman, under pretence of controlling Gunga Govind Sing's agent, appointed for the very purpose of giving him bribes, in a province where Mr. Hastings says that agent had the power of committing such enormities, and which nobody doubts his disposition to commit, — he leaves him, I say, in such a state of inefficiency, that these iniquities could be concealed (though every one true) from the person appointed there to inspect his conduct! What, then, could be his business there? Was it only to receive such sums of money as Debi Sing might put into his hands, and which might have been easily sent to Calcutta? Was he to be of use as a communication between Debi Sing and the Committee, and in no other way? Here, then, we have that English authority which Mr. Hastings left in the country, — here the native authority which he settled, and the establishment of native iniquity in a regular system under Gunga Govind Sing, — here the destruction of all English inspection. I hope I need say no more to prove to your Lordships that this system, taken nakedly as it thus stands, founded in mystery and obscurity, founded for the very express purpose of conveying bribes,

as the best mode of collecting the revenue and supplying the Company's exigencies through Gunga Govind Sing, would be iniquitous upon the face and the statement of it. But when your Lordships consider what horrid effects it produced, you will easily see what the mischief and abomination of Mr. Hastings's destroying these Provincial Councils and protecting these persons must necessarily be. If you had not known in theory, you must have seen it in practice.

But when both practice and theory concur, there can be no doubt that a system of private bribery for a revenue, and of private agency for a constitutional government, must ruin the country where it prevails, must disgrace the country that uses it, and finally end in the destruction of the revenue. For what says Mr. Hastings? "I was to have received 40,000*l.* in bribes, and 30,000*l.* was actually applied to the use of the Company." Now I hope I shall demonstrate, if not, it will be by some one abler than me demonstrated, in the course of this business, that there never was a bribe received by Mr. Hastings that was not instantly followed with a deficiency in the revenue, — this is clear, and what we undertake to prove, — and that Debi Sing himself was, at the time Mr. Hastings came away, between twenty and thirty thousand pounds debtor to the Company. So that, in truth, you always find a deficiency of revenue nearly equal, and in some instances I shall show double, to all the bribes Mr. Hastings received: from whence it will be evident that he never could nor did receive them under that absurd and strange idea of a resource to government.

I must re-state to your Lordships, because I wish

you never to forget, that this Committee of Revenue was, in their own opinion, and from their own certain knowledge and mere motion, if motion can be attributed originally to instruments, mere tools; that they knew that they were tools in the hands of Gunga Govind Sing. There were two persons principal in it, — Mr. Shore, who was the acting President, and Mr. Anderson, who was President in rank, and President in emolument, but absent for a great part of the time upon a foreign embassy. It is the recorded opinion of the former, (for I must beg leave to read again a part of the paper which has already been read to your Lordships,) that "the Committee, with the best intentions, best abilities, and steadiest application, must, after all, be a tool in the hands of their dewan."

Now do you believe, in the first place, that men will long have abilities, will long have good intentions, and will long, above all, have steady application, when they know they are but tools in the hands of another, — when they know they are tools for his own corrupt purposes?

In the next place, I must beg leave to state to you, that, on the constitution of this Committee, Mr. Hastings made them all take a solemn oath that they would never receive any present whatever. It was not enough to trust to a general covenant; it was not enough to trust to the penal act of 1773: he bound the Committee by a new oath, and forced them to declare that they would not receive any bribes. As soon as he had so secured them against receiving bribes, he was resolved to make them inefficient, — a good way to secure them against bribes, by taking from them the power of bribe-worthy service. This was a good counter-security to their oath. But Mr.

Hastings put a dewan there, against whom there was no security; he let loose this dewan to frustrate their intentions, their application, their abilities, and oath: that is, there was a person at that board who was more than the board itself, who might riot in peculation and plunder from one end of the country to the other. He was there to receive bribes for Mr. Hastings; the Committee were to be pure with impotent hands; and then came a person with ample power for Mr. Hastings himself. And lest this person should not have power enough in this Committee, he is made the general bribe-broker to Mr. Hastings. This secret under-current, as your Lordships will see, is to counteract everything, and, as fast as one part is rendered pure, totally to corrupt all the rest.

But, my Lords, this was not the private opinion of Mr. Shore only, a man of great abilities, and intimately acquainted with the revenue, who must know when he was in a situation to do good and when not. The other gentleman whom I have mentioned, Mr. Hastings's confidant in everything but his bribes, and supposed to be in his closest secrets, is Mr. Anderson. I should remark to your Lordships, that Mr. Anderson is a man apparently of weak nerves, of modest and very guarded demeanor, as we have seen him in the House of Commons; it is in that way only I have the honor of knowing him. Mr. Anderson being asked whether he agreed in the opinion and admitted the truth of his friend Mr. Shore's statement relative to the dewan of the Committee, his answer was this: "I do not think that I should have written it quite so strong, but I do in a great measure agree to it: that is, I think there is a great deal of truth in the observation; I think, in particular, that it would

require great exertion in the Committee, and great abilities on the part of the President, to restrain effectually the conduct of the dewan; I think it would be difficult for the Committee to interpose a sufficient control to guard against all the abuses of the dewan."

There is the real President of the Committee, — there the most active, efficient member of it. They are both of one opinion concerning their situation: and I think this opinion of Mr. Anderson is still more strong; for, as he thinks he should have written it with a little more guard, but should have agreed in substance, you must naturally think the strongest expression the truest representation of the circumstance.

There is another circumstance that must strike your Lordships relative to this institution. It is where the President says that the use of the President would be to exert his best abilities, his greatest application, his constant guard, — for what? — to prevent his dewan from being guilty of bribery and being guilty of oppressions. So here is an executive constitution in which the chief executive minister is to be in such a situation and of such a disposition that the chief employment of the presiding person in the Committee is to guard against him and to prevent his doing mischief. Here is a man appointed, of the greatest possible power, of the greatest possible wickedness, in a situation to exert that power and wickedness for the destruction of the country, and without doubt it would require the greatest ability and diligence in the person at the head of that Council to prevent it. Such a constitution, allowed and alleged by the persons themselves who composed it, was, I believe, never heard of in the world.

Now that I have done with this part of the system of bribery, your Lordships will permit me to follow Mr. Hastings to his last parting scene. He parted with his power, he parted with his situation, he parted with everything, but he never could part with Gunga Govind Sing. He was on his voyage, he had embarked, he was upon the Ganges, he had quitted his government; and his last dying sigh, his last parting voice, was "Gunga Govind Sing!" It ran upon the banks of the Ganges, as another plaintive voice ran upon the banks of another river (I forget whose); his last accents were, "Gunga, Gunga Govind Sing!" It demonstrates the power of friendship.

It is said by some idle, absurd moralists, that friendship is a thing that cannot subsist between bad men; but I will show your Lordships the direct contrary; and, after having shown you what Gunga Govind Sing was, I shall bring before you Mr. Hastings's last act of friendship for him. Not that I have quite shown you everything, but pretty well, I think, respecting this man. There is a great deal concerning his character and conduct that is laid by, and I do believe, that, whatever time I should take up in expatiating upon these things, there would be "in the lowest deep still a lower deep"; for there is not a day of the inquiry that does not bring to light more and more of this evil against Mr. Hastings.

But before I open the papers relative to this act of Mr. Hastings's friendship for Gunga Govind Sing, I must re-state some circumstances, that your Lordships may understand thoroughly the nature of it. Your Lordships may recollect, that, about the time of the succession of the minor Rajah of Dinagepore, who was then but five or six years of age, and when Mr.

Hastings left Bengal eight or nine, Mr. Hastings had received from that country a bribe of about 40,000*l.* There is a fidelity even in bribery; there is a truth and observance even in corruption; there is a justice, that, if money is to be paid for protection, protection should be given. My Lords, Mr. Hastings received this bribe through Gunga Govind Sing; then, at least, through Gunga Govind Sing he ought to take care that that Rajah should not be robbed, — that he should not be robbed, if Gunga Govind Sing could help it, — that, above all, he should not be robbed by Gunga Govind Sing himself. But your Lordships will find that the last act of Mr. Hastings's life was to be an accomplice in the most cruel and perfidious breach of faith, in the most iniquitous transaction, that I do believe ever was held out to the indignation of the world with regard to private persons. When he departed, on the 16th of February, 1785, when he was on board, in the mouth of the Ganges, and preparing to visit his native country, let us see what the last act of his life then was. Hear the last tender accents of the dying swan upon the Ganges.

"The regret which I cannot but feel in relinquishing the service of my honorable employers would be much embittered, were it accompanied by the reflection that I have neglected the merits of a man who deserves no less of them than of myself, Gunga Govind Sing, who from his earliest youth had been employed in the collection of the revenues, and was about eleven years ago selected for his superior talents to fill the office of dewan to the Calcutta Committee. He has from that time, with a short intermission, been the principal native agent in the collection of the Company's revenues; and I can take upon myself to say that

he has performed the duties of his office with fidelity, diligence, and ability. To myself he has given proofs of a constancy and attachment which neither the fears nor expectations excited by the prevalence of a different influence could shake, — and at a time, too, when these qualities were so dangerous, that, far from finding them amongst the generality of his countrymen, I did not invariably meet with them amongst my own. With such a sense of his merits, it is natural that I should feel a desire of rewarding him, — for justice, gratitude, generosity, and even policy, demand it; and I resort to the board for the means of performing so necessary a duty, in full confidence, that, as those which I shall point out are neither incompatible with the Company's interest nor prejudicial to the rights of others, they will not be withheld from me. At the request, therefore, of Gunga Govind Sing, I deliver the accompanying *durkhausts*, or petitions, for grants of lands lying in different districts, the total *jumma*, or rent, of which amount to Rupees 2,38,061. 12. 1."

Your Lordships recollect that Mr. Larkins was one of the bribe-agents of Mr. Hastings, — one, I mean, of a corporation, but not corporate in their acts. My Lords, Mr. Larkins has told you, he has told us, and he has told the Court of Directors, that Mr. Hastings parted in a quarrel with Gunga Govind Sing, because he had not faithfully kept his engagement with regard to his bribe, and that, instead of 40,000*l.* from Dinagepore, he had only paid him 30,000*l.* My Lords, that iniquitous men will defraud one another I can conceive; but you will perceive by Mr. Hastings's behavior at parting, that he either had in fact received this money from Gunga Govind Sing, or in some way or other had abundant reason to be satis-

fied, — that he totally forgot his anger upon this occasion, and that at parting his last act was to ratify *grants of lands* (so described by Mr. Hastings) to Gunga Govind Sing. Your Lordships will recollect the tender and forgiving temper of Mr. Hastings. Whatever little bickerings there might have been between them about their small money concerns, the purifying waters of the Ganges had washed away all sins, enmities, and discontent. By some of those arts which Gunga Govind Sing knows how to practise, (I mean conciliatory, honest arts,) he had fairly wiped away all resentment out of Mr. Hastings's mind; and he, who so long remembered the affront offered him by Cheyt Sing, totally forgets Gunga Govind Sing's fraud of 10,000*l.*, and attempts to make others the instruments of giving him what he calls his reward.

Mr. Hastings states, among Gunga Govind's merits, that he had, from the time of its institution, and with a very short intermission, served the office of dewan to the Calcutta Committee. That short intermission was when he was turned out of office upon proof of peculation and embezzlement of public money; but of this cause of the intermission in the political life and political merits of Gunga Govind Sing Mr. Hastings does not tell you.

Your Lordships shall now hear what opinion a member of the Provincial Council at Calcutta, in which he had also served, had of him.

"Who is Gunga Govind Sing?" The answer is, "He was, when I left Bengal, dewan to the Committee of Revenue. — What was his office and power during Mr. Hastings's administration since 1780? — He was formerly dewan to the Provincial Council stationed at Calcutta, of which I was a member. His

conduct then was licentious and unwarrantable, oppressive and extortionary. He was stationed under us to be an humble and submissive servant, and to be of use to us in the discharge of our duty. His conduct was everything the reverse. We endeavored to correct the mischiefs he was guilty of as much as possible. In one attempt to release fifteen persons illegally confined by him, we were dismissed our offices: a different pretence was held out for our dismission, but it was only a pretence. Since his appointment as dewan to the present Committee of Revenue, his line of conduct has only been a continuance of what I have described, but upon a larger scale. — What was the general opinion of the natives of the use he made of his power? He was looked up to by the natives as the second person in the government, if not the first. He was considered as the only channel for obtaining favor and employment from the Governor. There is hardly a native family of rank or credit within the three provinces whom he has not some time or other distressed and afflicted; scarce a zemindary that he has not dismembered and plundered. — Were you in a situation to know this to be true? — I certainly was. — What was the general opinion, and your own, concerning his wealth? — It is almost impossible to form a competent judgment, his means of acquiring it have been so extensive. I had an account shown to me, about July, 1785, stating his acquisitions at three hundred and twenty lacs of rupees, — that is, 3,200,000*l.*"

My Lords, I have only to add, that, from the best inquiries I have been able to make, those who speak highest of his wealth are those who obtain the greatest credit. The estimate of any man's wealth is un-

certain; but the enormity of his wealth is universally believed. Yet Mr. Hastings seemed to act as if he needed a reward; and it is therefore necessary to inquire what recommended him particularly to Mr. Hastings. Your Lordships have seen that he was on the point of being dismissed for misbehavior and oppression by that Calcutta Committee his services to which Mr. Hastings gives as one proof of his constant and uniform good behavior. "He had executed," he says, "the duties of his office with fidelity, diligence, and ability." These are his public merits; but he has private merits. "To myself," says he, "he has given proofs of constancy and attachment."

Now we, who have been used to look very diligently over the Company's records, and to compare one part with another, ask what those services were, which have so strongly recommended him to Mr. Hastings, and induced him to speak so favorably of his public services. What those services are does not appear; we have searched the records for them, (and those records are very busy and loquacious,) about that period of time during which Mr. Hastings was laboring under an eclipse, and near the dragon's mouth, and all the drums of Bengal beating to free him from this dangerous eclipse. During this time there is nothing publicly done, there is nothing publicly said, by Gunga Govind Sing. There were, then, some services of Gunga Govind Sing that lie undiscovered, which he takes as proofs of attachment. What could they be? They were not public; nobody knows anything of them; they must, by reference to the time, as far as we can judge of them, be services of concealment: otherwise, in the course of this business, it will be necessary, and Mr. Hastings will find occasion, to

show what those personal services of Gunga Govind Sing to him were. *His* services to Gunga Govind Sing were pretty conspicuous: for, after he was turned out for peculation, Mr. Hastings restored him to his office; and when he had imprisoned fifteen persons illegally and oppressively, and when the Council were about to set them at liberty, they were set at liberty themselves, they were dismissed their offices. Your Lordships see, then, what his public services were. His private services are unknown: they must be, as we conceive from their being unknown, of a suspicious nature; and I do not go further than suspicion, because I never heard, and I have not been without attempts to make the discovery, what those services were that recommended him to Mr. Hastings.

Having looked at his public services, which are well-known scenes of wickedness, barbarity, and corruption, we next come to see what his reward is. Your Lordships hear what reward he thought proper to secure for himself; and I believe a man who has power like Gunga Govind Sing, and a disposition like Gunga Govind Sing, can hardly want the means of rewarding himself; and if every virtue rewards itself, and virtue is said to be its own reward, the virtue of Gunga Govind Sing was in a good way of seeking its own reward. Mr. Hastings, however, thought it was not right that such a man should reward himself, but that it was necessary for the honor and justice of government to find him a reward. Then the next thing is, what that reward shall be. It is a grant of lands. Your Lordships will observe, that Mr. Hastings declares some of these lands to be unoccupied, others occupied, but not by the just owners. Now these were the very lands of the Rajah of Dinagepore from

whence he had taken the bribe of 40,000*l*. My Lords, this was a monstrous thing. Mr. Hastings had the audacity, as his parting act, when he was coming to England, and ought to have expected (whatever he did expect) the responsibility of this day, — he was, I say, shameless enough not only to give this recommendation, but to perpetuate the mischiefs of his reign, as he has done, to his successors: for he has really done so, by making it impossible, almost, to know anything of the true state of that country; and he has thereby made them much less responsible and criminal than before in any ill acts they may have done since his time. But Mr. Hastings not only recommends and backs the petition of Gunga Govind Sing with his parting authority, which authority he made the people there believe would be greater in England than it was in India, but he is an evidence; he declares, that, "to his own knowledge, these lands are vacant, and confessedly, therefore, by the laws of this as well as of most other countries, in the absolute gift of government."

My Lords, as I said, Mr. Hastings becomes a witness, and I believe in the course of the proceedings you will find a false witness, for Gunga Govind Sing. "To my own knowledge," says he, "they are vacant." Why, I cannot find that Mr. Hastings had ever been in Dinagepore; or if he had, it must have been only as a passenger. He had not the supervision of the district, in any other sense than with that kind of eagle eye which he must have had over all Bengal, and which he had for no other purposes than those for which eagles' eyes are commonly used. He becomes, you see, a witness for Gunga Govind Sing, and orders to be given him, as a recompense for all the

iniquitous acts this man committed, the lands of that very Rajah who through the hands of Gunga Govind Sing had given an enormous bribe to Mr. Hastings. These lands were not without an ownership, but were lands in the hands of the Rajah, and were to be severed from the zemindary, and given to Gunga Govind Sing. The manner of obtaining them is something so shocking, and contains such a number of enormities completed in one act, that one can scarce imagine how such a compound could exist.

This man, besides his office of dewan to the Calcutta Committee, which gave him the whole management and power of the revenue, was, as I have stated, at the head of all the registers in the kingdom, whose duty it was to be a control upon him as dewan. As Mr. Hastings destroyed every other constitutional settlement of the country, so the office which was to be a check upon Gunga Govind Sing, namely, the register of the country, had been superseded, and revived in another shape, and given to the own son of this very man. God forbid that a son should not be under a certain and reasonable subordination! But though in this country we know a son may possibly be free from the control of his father, yet the meanest slave is not in a more abject condition of slavery than a son is in that country to his father; for it extends to the power of a Roman parent. The office of register is to take care that a full and fair rent is secured to government; and above all, it is his business to take care of the body of laws, the *Rawaj-ul-Mulk*, or custom of the country, of which he is the guardian as the head of the law. It was his business to secure that fundamental law of the government, and fundamental law of the country, that a zemindary cannot be split,

or any portion of it separated, without the consent of the government. This man betrayed his trust, and did privately, contrary to the duty of his office, get this minor Rajah, who was but an infant, who was but nine years old at the time, to make over to him a part of his zemindary, to a large amount, under color of a fraudulent and fictitious sale. By the laws of that country, by the common laws of Nature, the act of this child was void. The act was void as against the government, by giving a zemindary without the consent of the government to the very man who ought to have prevented such an act. He has the same sacred guardianship of minors that the Chancellor of England has. This man got to himself those lands by a fraudulent, and probably forged deed, — for that is charged too; but whether it was forged or not, this miserable minor was obliged to give the lands to him: he did not dare to quarrel with him upon such an article; because he who would purchase could take. The next step was to get one of his nearest relations to seem to give a consent; because taking it of the minor was too gross. The relation, who could no more consent by the law of that country than the law of this, gave apparently his consent. And these were the very lands that Mr. Hastings speaks of as "lands entirely at the disposal of government."

All this came before the Council. The moment Mr. Hastings was gone, India seemed a little to respire; there was a vast, oppressive weight taken off it, there was a mountain removed from its breast; and persons did dare then, for the first time, to breathe their complaints. And accordingly, this minor Rajah got some person kind enough to tell him that he was a minor, that he could not part with his estate; and

this, with the other shocking and illegal parts of the process, was stated by him to the Council, who had Mr. Hastings's recommendation of Gunga Govind Sing before them. The Council, shocked to see a minor attempted to be dispossessed in such a manner by him who was the natural guardian of all minors, shocked at such an enormous, daring piece of iniquity, began to inquire further, and to ask, "How came this his near relation to consent?" He was apparently partner in the fraud. Partner in the fraud he was, but not partner in the profit; for he was to do it without getting anything for it: the wickedness was in him, and the profit in Gunga Govind Sing. In consequence of this inquiry, the man comes down to account for his conduct, and declares another atrocious iniquity, that shows you the powers which Gunga Govind Sing possessed. "Gunga Govind Sing," says he, "is master of the country; he had made a great festival for the burial of his mother; all those of that caste ought to be invited to the funeral festival; he would have disgraced me forever, if I had not been invited to that funeral festival." These funeral festivals, you should know, are great things in that country, and celebrated in this manner, and, you may depend upon it, in a royal manner by him, upon burying his mother: any person left out was marked, despised, and disgraced. "But he had it in his power, and I was threatened to be deprived of my caste by his register, who had the caste in his absolute disposition." Says he, "I was under terror, I was under duress, and I did it."

Gunga Govind Sing was fortified by the opinion, that the Governor, though departed, virtually resided in that country. God grant that his power may

be extirpated out of it now! I doubt it; but, most assuredly, it was residing in its plenitude when he departed from thence; and there was not a man in India who was not of opinion, either that he was actually to return to govern India again, or that his power is such in England as that he might govern it here. And such were the hopes of those who had intentions against the estates of others. Gunga Govind Sing, therefore, being pressed to the wall by this declaration of the Rajah's relation, when he could say nothing against it, when it was clear and manifest, and there were only impudent barefaced denials, and asseverations against facts which carried truth with themselves, did not in his answer pretend to say that a zemindary might be parted without the consent of the government, that a minor might be deprived of it, that the next relation had a power of disposing of it. He did indeed say, but nobody believed him, that he had used no force upon this relation; but as every one knew the act would be void, he was driven to Mr. Hastings's great refuge, — he was driven to say, "The government in this country has arbitrary power; the power of government is everything, the right of the subject nothing; they have at all times separated zemindaries from their lawful proprietors. Give me what Mr. Hastings has constantly given to other people without any right, or shadow or semblance of right at all." God knows, it is well that I walk with my authority in my hand; for there are such crimes, such portentous, incredible crimes, to be brought before your Lordships, that it would hardly be believed, were it not that I am constantly, as I hope I shall constantly be, guarded with evidence, and that the strongest that can be, even the evidence of the parties themselves.

"From your inquiry," Gunga Govind Sing says to the Council, "every circumstance will appear in its true colors. With respect to the alienation of parts of zemindaries, the extent and consequence of the great zemindars depend in a great measure on the favor and countenance of the ruling powers. By what means did this zemindar of Dinagepore get possession of Purgunnah Buttassim after the death of Rycobad Chowdry in 1158, of Purgunnah Coolygong after the death of Sahebrance Chowderanne in the same year, notwithstanding his heirs existed, and of Purgunnah Suntoe, &c., during the lifetime of Sumboonant, the zemindar, in 1167, all without right, title, or pecuniary consideration? This has been the case with many purgunnahs in his zemindary, and indeed exists in many other zemindaries besides since the Company's accession. Ramkissen, in 1172, got possession of Nurrulloor, the zemindary of Mahomed Ali. The purgunnah of Ichanguipore, &c., was in three divisions in 1173. The petition of Govind Deo Sheopersaud was made over to the son of Bousser Chowdry, possessor of the third share. Purgunnah Baharbund belonged to the zemindary of Ranny Bhowanny, and in 1180 was made over to Lucknaut Nundy. All these changes took place in the lifetime of the rightful possessors, without right, title, or purchase."

Your Lordships have not heard before of Lucknaut Nundy. He was the son of a person of whom your Lordships have heard before, called Cantoo Baboo, the banian of Mr. Hastings. Mr. Hastings has proved in abundance of other cases that a grant to father and son is the same thing. The fathers generally take out grants in the names of their sons; and

the Ranny Bhowanny, possessing the zemindary of Radshi, an old lady of the first rank and family in India, was stripped of part of her zemindary, and it was given to Lucknaut Nundy, the son of Mr. Hastings's banian; and then (you see the consequence of good examples) comes Gunga Govind Sing, and says, "I am as good a man as he; there is a zemindary given; then do as much for Gunga Govind Sing as you have done for Cantoo Baboo." Here is an argument drawn from the practice of Mr. Hastings. And this shows your Lordships the necessity of suppressing such iniquities by punishing the author of them. You will punish Mr. Hastings, and no man will hereafter dare to rob minors, no man will hereafter dare to rob widows, to give to the vilest of mankind, their own base instruments for their own nefarious purposes, the lands of others, without right, title, or purchase.

My Lords, I will not after this state to you the false representation of the value of these lands which this man gave in to government. He represented it to be much less than it was, when he desired the grant of them, — as shall be stated, when it comes before your Lordships, at the proper time. But at present I am only touching upon principles, and bringing examples so far as they illustrate principles, and to show how precedents spread.

I believe your Lordships will conceive better of the spirit of these transactions by my intermixing with them, as I shall endeavor to do, as much as possible of the grounds of them. I will venture to say, that no description that I can give, no painting, if I was either able or willing to paint, could make these transactions appear to your Lordships with the strength

which they have in themselves; and your Lordships will be convinced of this, when you see, what nobody could hardly believe, that a man can say, "It was given to others without right, title, or purchase, — give it to me without right, title, or purchase; give me the estates of minors without right, title, or purchase, because Mr. Hastings gave the estates of widows without right, title, or purchase."

Of this exemplary grant, of this pattern for future proceedings, I will show your Lordships the consequence. I will read to your Lordships part of the examination of a witness, taken from a report of a committee of the House of Commons.

"Are you acquainted with the situation of the zemindary of Baharbund? — It lies to the eastward of Dinagepore and Rungpore. I was stationed in that neighborhood. — To whom did it originally belong? — I believe, to the zemindary of Radshi, belonging to Ranny Bhowanny. — For what reason was it taken from the Ranny of Radshi and given to Cantoo Baboo? — I do not exactly recollect: I believe, on some plea of incapacity or insufficiency in her to manage it, or some pretended decline in the revenue, owing to mismanagement. — On what terms was it granted to Cantoo Baboo or his son? — I believe it was a grant in perpetuity, at the revenue of Rupees 82,000 or 83,000 per annum. — What amount did he collect from the country? — I cannot tell. The year I was in that neighborhood, the settlement with his under-tenants was something above 3,53,000 rupees. The inhabitants of the country objected to it. They assembled in a body of about five thousand, and were proceeding to Calcutta to make known their grievances to the Committee of Revenue. They were stopped at Cossim-

bazar by Noor Sing Baboo, the brother of Cantoo Baboo, and there the matter was compromised, — in what manner I cannot say."

Your Lordships see, Mr. Hastings's banian got this zemindary belonging to this venerable lady, unable to protect herself; that it was granted to him without right, title, or purchase. To show you that Mr. Hastings had been in a constant course of such proceeding, here is a petition from a person called ———— for some favor from government which it is not necessary now to state. In order to make good his claim, he states what nobody denied, but which is universally known in fact. Says he, "I have never entertained any such intention or idea," that is, of seizing upon other people's zemindaries; "neither am I at all desirous of acquiring any other person's zemindary in this country," &c. . . . .

[*The document read here is wanting, ending*] "as several Calcutta banians have done," &c.

He states it as a kind of constant practice, by which the country had been robbed under Mr. Hastings, known and acknowledged to be so, to seize upon the inheritance of the widow and the fatherless. In this manner did Gunga Govind Sing govern himself, upon the direct precedent of Cantoo Baboo, the banian of Mr. Hastings; and this other instrument of his in like manner calls upon government for favor of some kind or other, upon the same principle and the same precedent.

Your Lordships now see how necessary it was to say something about arbitrary power. For, first, the wicked people of that country (Mr. Hastings's instru-

ments, I mean) pretend right, title, purchase, grant; and when their frauds in all these legal means are discovered, then they fly off, and have recourse to arbitrary power, and say, "It is true I can make out no right, title, grant, or purchase; the parties are minors; I am bound to take care of their right: but you have arbitrary power; you have exercised it upon other occasions; exercise it upon this; give me the rights of other people." This was the last act, and I hope will be the last act, of Mr. Hastings's wicked power, done by the wickedest man in favor of the wickedest man, and by the wickedest means, which failed upon his own testimony.

To bring your Lordships to the end of this business, which I hope will lead me very near to the end of what I have to trouble your Lordships with, I will now state the conduct of the Council, and the resolution about Gunga Govind Sing. I am to inform your Lordships that there was a reference made by the Council to the Committee of Revenue, namely, to Gunga Govind Sing himself, — a reference with regard to the right, title, mode, and proceeding, and many other circumstances; upon which the Committee, being such as I have described, very naturally were silent. Gunga Govind Sing *loquitur solus*, — in the manner you have just heard; the Committee were the chorus, — they sometimes talk, fill up a vacant part, — but Gunga Govind Sing was the great actor, the sole one. The report of this Committee being laid before the Council, Mr. Stables, one of the board, entered the following minute on the 15th of May, 1785.

"I have perused the several papers upon this subject, and am sorry to observe that the Committee of

Revenue are totally silent on the most material points therein, and sending the petition to them has only been so much time thrown away: I mean, on the actual value of the lands in question, what the amount derived from them has been in the last year, and what advantages or disadvantages to government by the sale, and whether, in their opinion, the supposed sale was compulsive or not. But it is not necessary for the discussion of the question respecting the regularity or irregularity of the pretended sale of Salbarry to Gunga Govind Sing, the dewan, to enter into the particular assertions of each party.

"The representations of the Rajah's agent, confirmed by the petitions of his principal, positively assert the sale to have been compulsive and violent; and the dewan as positively denies it, though the fears he expresses, 'that their common enemies would set aside the act before it was complete,' show clearly that they were sensible the act was unjustifiable, if they do not tend to falsify his denial.

"But it is clearly established and admitted by the language and writings of both parties, that there has been a most unwarrantable collusion in endeavoring to alienate the rights of government, contrary to the most positive original laws of the constitution of these provinces, 'that no zemindar and other landholder, paying revenue to government, shall be permitted to alienate his lands without the express authority of that government.'

"The defence set up by Gunga Govind Sing does not go to disavow the transaction; for, if it did, the deed of sale, &c., produced by himself, and the petition to the board for its confirmation, would detect him: on the contrary, he openly admits its existence,

and only strives to show that it was a voluntary one on the part of the Ranny and the servants of the Rajah. Whether voluntary or not, it was equally criminal in Gunga Govind Sing, as the public officer of government: because diametrically opposite to the positive and repeated standing orders of that government for the rule of his conduct, as dewan, and native guardian of the public rights intrusted especially to his care; because it was his duty, not only not to be guilty of a breach of those rules himself, but, as dewan, and exercising the efficient office of *kanungo*, to prevent, detect, expose, and apprise his employers of every instance attempted to the contrary; because it was his duty to prevent the government being defrauded, and the Rajah, a child of nine years old, robbed of his hereditary possessions, as he would have been, if this transaction had not been detected: whereas, on the contrary, the dewan is himself the principal mover and sole instrument in that fraud and robbery, if I am rightly informed, to the amount of 42,474 rupees* in perpetuity, by which he alone was to benefit; and because he has even dared to stand forward in an attempt to obtain our sanction, and thereby make us parties to (in my opinion) a false deed and fraudulent transaction, as his own defence now shows the bill of sale and all its collateral papers to be.

"If offences of this dark tendency and magnitude were not to be punished in a public manner, the high

* Vakeel states Mofussil Jumma, of Salbarry, for 1,191

S^{a} R^{s}	96,229
Purchase money	53,755
Per annum, loss	42,474

example here set the natives employed under the government by their first native officer would very soon render our authority contemptible, and operate to the destruction of the public revenues. I will not dwell further on the contradictions in these papers before us on this subject.

"But I beg leave to point out how tenacious the government have been of insuring implicit obedience to their rules on this subject in particular, and in prohibiting conduct like that here exhibited against their public officer, and how sacredly they have viewed the public institutes on this subject, which have been violated and trampled on; and it will suffice to show their public orders on a similar instance which happened some time ago, and which the dewan, from his official situation, must have been a party in detecting.

"I desire the board's letter to the Committee on this subject, dated the 31st May, 1782, may be read, and a copy be annexed to this minute.

"I therefore move the board that Gunga Govind Sing may be forthwith required to surrender the original deeds produced by him as a title to the grant of Salbarry, in order that they may be returned to the Rajah's agents, to be made null and void.

"I further move the board, that the dewan, Gunga Govind Sing, together with his naib, Prawn Kishin Sing, his son, and all his dependants, be removed from their offices, and that the Roy Royan, Rajah Rajebullub, whose duty only Gunga Govind Sing virtually is to perform, be reinstated in the exercise of the duties of his department; and that Gunga Govind Sing be ordered to deliver up all official papers of the circar to the Committee of Revenue and the Roy

Royan, and that they be ordered accordingly to take charge of them, and finally settle all accounts."

This motion was overruled, and no final proceeding appears.

My Lords, you have heard the proceedings of the court before which Gunga Govind Sing thought proper to appeal, in consequence of the power and protection of Mr. Hastings being understood to exist after he left India, and authenticated by his last parting deed. Your Lordships will judge by that last act of Mr. Hastings what the rest of his whole life was.

My Lords, I do not mean now to go further than just to remind your Lordships of this, that Mr. Hastings's government was one whole system of oppression, of robbery of individuals, of destruction of the public, and of suppression of the whole system of the English government, in order to vest in the worst of the natives all the powers that could possibly exist in any government, — in order to defeat the ends which all governments ought in common to have in view. Thus, my Lords, I show you at one point of view what you are to expect from him in all the rest. I have, I think, made out as clear as can be to your Lordships, so far as it was necessary to go, that his bribery and peculation was not occasional, but habitual, — that it was not urged upon him at the moment, but was regular and systematic. I have shown to your Lordships the operation of such a system on the revenues.

My Lords, Mr. Hastings pleads one constant merit to justify those acts, — namely, that they produce an increase of the public revenue; and accordingly he never sells to any of those wicked agents any trusts whatever in the country, that you do not hear that it

will considerably tend to the increase of the revenue. Your Lordships will see, when he sold to wicked men the province of Bahar in the same way in which Debi Sing had this province of Dinagepore, that consequences of a horrid and atrocious nature, though not to so great an extent, followed from it. I will just beg leave to state to your Lordships, that the kingdom of Bahar is annexed to the kingdom of Bengal; that this kingdom was governed by another Provincial Council; that he turned out that Provincial Council, and sold that government to two wicked men: one of no fortune at all, and the other of a very suspicious fortune; one a total bankrupt, the other justly excommunicated for his wickedness in his country, and then in prison for misdemeanors in a subordinate situation of government. Mr. Hastings destroyed the Council that imprisoned him; and, instead of putting one of the best and most reputable of the natives to govern it, he takes out of prison this excommunicated wretch, hated by God and man, — this bankrupt, this man of evil and desperate character, this mismanager of the public revenue in an inferior station; and, as he had given Bengal to Gunga Govind Sing, he gave this province to Rajahs Kelleram and Cullian Sing. It was done upon this principle, that they would increase and very much better the revenue. These men seemed to be as strange instruments for improving a revenue as ever were chosen, I suppose, since the world began. Perhaps their merit was giving a bribe of 40,000*l.* to Mr. Hastings. How he disposed of it I don't know. He says, "I disposed of it to the public, and it was in a case of emergency." You will see in the course of this business the falsehood of that pretence: for you will see, though the obligation is

given for it as a round sum of money, that the payment was not accomplished till a year after; that therefore it could not answer any immediate exigence of the Company. Did it answer in an increase of the revenue? The very reverse. Those persons who had given this bribe of 40,000*l.* at the end of that year were found 80,000*l.* in debt to the Company. The Company always loses, when Mr. Hastings takes a bribe; and when he proposes an increase of the revenue, the Company loses often double. But I hope and trust your Lordships will consider this idea of a monstrous rise of rent, given by men of desperate fortunes and characters, to be one of the grievances instead of one of the advantages of this system.

It has been necessary to lay these facts before you, (and I have stated them to your Lordships far short of their reality, partly through my infirmity, and partly on account of the odiousness of the task of going through things that disgrace human nature,) that you may be enabled fully to enter into the dreadful consequences which attend a system of bribery and corruption in a Governor-General. On a transient view, bribery is rather a subject of disgust than horror, — the sordid practice of a venal, mean, and abject mind; and the effect of the crime seems to end with the act. It looks to be no more than the corrupt transfer of property from one person to another, — at worst a theft. But it will appear in a very different light, when you regard the consideration for which the bribe is given, — namely, that a Governor-General, claiming an arbitrary power in himself, for that consideration delivers up the properties, the liberties, and the lives of an whole people to the arbitrary discretion of any wicked and rapacious person,

who will be sure to make good from their blood the purchase he has paid for his power over them. It is possible that a man may pay a bribe merely to redeem himself from some evil. It is bad, however, to live under a power whose violence has no restraint except in its avarice. But no man ever paid a bribe for a power to charge and tax others, but with a view to oppress them. No man ever paid a bribe for the handling of the public money, but to peculate from it. When once such offices become thus privately and corruptly venal, the very worst men will be chosen (as Mr. Hastings has in fact constantly chosen the very worst); because none but those who do not scruple the use of any means are capable, consistently with profit, to discharge at once the rigid demands of a severe public revenue and the private bribes of a rapacious chief magistrate. Not only the worst men will be thus chosen, but they will be restrained by no dread whatsoever in the execution of their worst oppressions. Their protection is sure. The authority that is to restrain, to control, to punish them is previously engaged; he has his retaining fee for the support of their crimes. Mr. Hastings never dared, because he could not, arrest oppression in its course, without drying up the source of his own corrupt emolument. Mr. Hastings never dared, after the fact, to punish extortion in others, because he could not, without risking the discovery of bribery in himself. The same corruption, the same oppression, and the same impunity will reign through all the subordinate gradations.

A fair revenue may be collected without the aid of wicked, violent, and unjust instruments. But when once the line of just and legal demand is trans-

gressed, such instruments are of absolute necessity; and they comport themselves accordingly. When we know that men must be well paid (and they ought to be well paid) for the performance of honorable duty, can we think that men will be found to commit wicked, rapacious, and oppressive acts with fidelity and disinterestedness for the sole emolument of dishonest employers? No: they must have their full share of the prey, and the greater share, as they are the nearer and more necessary instruments of the general extortion. We must not, therefore, flatter ourselves, when Mr. Hastings takes 40,000*l.* in bribes for Dinagepore and its annexed provinces, that from the people nothing more than 40,000*l.* is extorted. I speak within compass, four times forty must be levied on the people; and these violent sales, fraudulent purchases, confiscations, inhuman and unutterable tortures, imprisonment, irons, whips, fines, general despair, general insurrection, the massacre of the officers of revenue by the people, the massacre of the people by the soldiery, and the total waste and destruction of the finest provinces in India, are things of course,—and all a necessary consequence involved in the very substance of Mr. Hastings's bribery.

I therefore charge Mr. Hastings with having destroyed, for private purposes, the whole system of government by the six Provincial Councils, which he had no right to destroy.

I charge him with having delegated to others that power which the act of Parliament had directed him to preserve unalienably in himself.

I charge him with having formed a committee to be mere instruments and tools, at the enormous expense of 62,000*l.* per annum.

I charge him with having appointed a person their dewan to whom these Englishmen were to be subservient tools, — whose name, to his own knowledge, was, by the general voice of India, by the general recorded voice of the Company, by recorded official transactions, by everything that can make a man known, abhorred, and detested, stamped with infamy; and with giving him the whole power which he had thus separated from the Council-General, and from the Provincial Councils.

I charge him with taking bribes of Gunga Govind Sing.

I charge him with not having done that bribe-service which fidelity even in iniquity requires at the hands of the worst of men.

I charge him with having robbed those people of whom he took the bribes.

I charge him with having fraudulently alienated the fortunes of widows.

I charge him with having, without right, title, or purchase, taken the lands of orphans, and given them to wicked persons under him.

I charge him with having removed the natural guardians of a minor Rajah, and with having given that trust to a stranger, Debi Sing, whose wickedness was known to himself and all the world, and by whom the Rajah, his family, and dependants were cruelly oppressed.

I charge him with having committed to the management of Debi Sing three great provinces; and thereby with having wasted the country, ruined the landed interest, cruelly harassed the peasants, burnt their houses, seized their crops, tortured and degraded their persons, and destroyed the honor of the whole female race of that country.

In the name of the Commons of England, I charge all this villany upon Warren Hastings, in this last moment of my application to you.

My Lords, what is it that we want here to a great act of national justice? Do we want a cause, my Lords? You have the cause of oppressed princes, of undone women of the first rank, of desolated provinces, and of wasted kingdoms.

Do you want a criminal, my Lords? When was there so much iniquity ever laid to the charge of any one? No, my Lords, you must not look to punish any other such delinquent from India. Warren Hastings has not left substance enough in India to nourish such another delinquent.

My Lords, is it a prosecutor you want? You have before you the Commons of Great Britain as prosecutors; and I believe, my Lords, that the sun, in his beneficent progress round the world, does not behold a more glorious sight than that of men, separated from a remote people by the material bounds and barriers of Nature, united by the bond of a social and moral community, — all the Commons of England resenting, as their own, the indignities and cruelties that are offered to all the people of India.

Do we want a tribunal? My Lords, no example of antiquity, nothing in the modern world, nothing in the range of human imagination, can supply us with a tribunal like this. My Lords, here we see virtually, in the mind's eye, that sacred majesty of the crown, under whose authority you sit, and whose power you exercise. We see in that invisible authority, what we all feel in reality and life, the beneficent powers and protecting justice of his Majesty. We have here the heir-apparent to the crown, such as

the fond wishes of the people of England wish an heir-apparent of the crown to be. We have here all the branches of the royal family, in a situation between majesty and subjection, between the sovereign and the subject, — offering a pledge in that situation for the support of the rights of the crown and the liberties of the people, both which extremities they touch. My Lords, we have a great hereditary peerage here, — those who have their own honor, the honor of their ancestors and of their posterity to guard, and who will justify, as they have always justified, that provision in the Constitution by which justice is made an hereditary office. My Lords, we have here a new nobility, who have risen and exalted themselves by various merits, — by great military services which have extended the fame of this country from the rising to the setting sun. We have those who, by various civil merits and various civil talents, have been exalted to a situation which they well deserve, and in which they will justify the favor of their sovereign, and the good opinion of their fellow-subjects, and make them rejoice to see those virtuous characters that were the other day upon a level with them now exalted above them in rank, but feeling with them in sympathy what they felt in common with them before. We have persons exalted from the practice of the law, from the place in which they administered high, though subordinate, justice, to a seat here, to enlighten with their knowledge and to strengthen with their votes those principles which have distinguished the courts in which they have presided.

My Lords, you have here also the lights of our religion, you have the bishops of England. My Lords,

you have that true image of the primitive Church, in its ancient form, in its ancient ordinances, purified from the superstitions and the vices which a long succession of ages will bring upon the best institutions. You have the representatives of that religion which says that their God is love, that the very vital spirit of their institution is charity, — a religion which so much hates oppression, that, when the God whom we adore appeared in human form, He did not appear in a form of greatness and majesty, but in sympathy with the lowest of the people, and thereby made it a firm and ruling principle that their welfare was the object of all government, since the Person who was the Master of Nature chose to appear Himself in a subordinate situation. These are the considerations which influence them, which animate them, and will animate them, against all oppression, — knowing that He who is called first among them, and first among us all, both of the flock that is fed and of those who feed it, made Himself "the servant of all."

My Lords, these are the securities which we have in all the constituent parts of the body of this House. We know them, we reckon, we rest upon them, and commit safely the interests of India and of humanity into your hands. Therefore it is with confidence, that, ordered by the Commons,

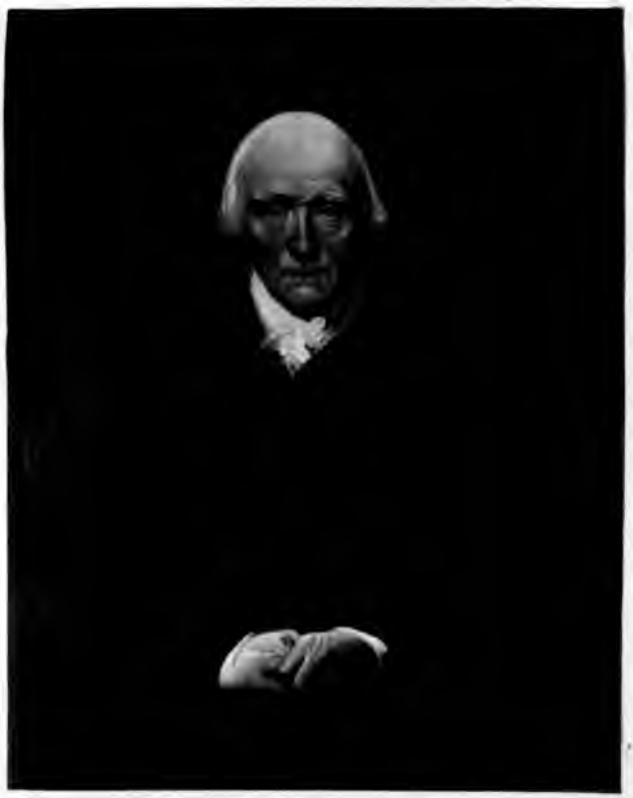
I impeach Warren Hastings, Esquire, of high crimes and misdemeanors.

I impeach him in the name of the Commons of Great Britain in Parliament assembled, whose Parliamentary trust he has betrayed.

I impeach him in the name of all the Commons of Great Britain, whose national character he has dishonored.

The Right Honourable Warren Hastings

From a picture, painted in 1811, by Sir Thomas Lawrence, P.R.A., in the National Portrait Gallery.



I impeach him in the name of the people of India, whose laws, rights, and liberties he has subverted, whose properties he has destroyed, whose country he has laid waste and desolate.

I impeach him in the name and by virtue of those eternal laws of justice which he has violated.

I impeach him in the name of human nature itself, which he has cruelly outraged, injured, and oppressed, in both sexes, in every age, rank, situation, and condition of life.

SPEECHES

IN

THE IMPEACHMENT

OF

WARREN HASTINGS, ESQUIRE,

LATE GOVERNOR-GENERAL OF BENGAL.

SPEECH ON THE SIXTH ARTICLE OF CHARGE.

APRIL AND MAY, 1789.

NOTE.

AFTER Mr. Burke had concluded the opening speeches, the first article of the impeachment was brought forward, on the 22d of February, 1788, by Mr. Fox, and supported by Mr. Grey on the 25th. After the evidence upon this article had been adduced, it was summed up and enforced by Mr. Anstruther, on the 11th day of April following.

The next article with which the Commons proceeded was brought forward on the 15th of April, 1788, by Mr. Adam, and supported by Mr. Pelham; and the evidence, in part upon the second article of charge, was summed up and enforced, on the 3d of June, by Mr. Sheridan.

On the 21st of April, 1789, Mr. Burke opened the sixth charge, bribery and corruption, in the following speech, which was continued on the 25th of April, and on the 5th and 7th May, in the same session.

SPEECH

ON

THE SIXTH ARTICLE OF CHARGE.

FIRST DAY: TUESDAY, APRIL 21, 1789.

MY LORDS, — An event which had spread for a considerable time an universal grief and consternation through this kingdom, and which in its issue diffused as universal and transcendent a joy, has in the circumstances both of our depression and of our exaltation produced a considerable delay, if not a total suspension, of the most important functions of government.

My Lords, we now resume our office, — and we resume it with new and redoubled alacrity, and, we trust, under not less propitious omens than when we left it, in this House, at the end of the preceding session. We come to this duty with a greater degree of earnestness and zeal, because we are urged to it by many and very peculiar circumstances. This day we come from an House where the last steps were taken (and I suppose something has happened similar in this) to prepare our way to attend with the utmost solemnity, in another place, a great national thanksgiving for having restored the sovereign to his Parliament and the Parliament to its sovereign.

But, my Lords, it is not only in the house of prayer that we offer to the First Cause the acceptable homage of our rational nature, — my Lords, in this House, at

this bar, in this place, in every place where His commands are obeyed, His worship is performed. And, my Lords, I must boldly say, (and I think I shall hardly be contradicted by your Lordships, or by any persons versed in the law which guides us all,) that the highest act of religion, and the highest homage which we can and ought to pay, is an imitation of the Divine perfections, as far as such a nature can imitate such perfections, and that by this means alone we can make our homage acceptable to Him.

My Lords, in His temple we shall not forget that His most distinguished attribute is justice, and that the first link in the chain by which we are held to the Supreme Judge of All is justice; and that it is in this solemn temple of representative justice we may best give Him praise, because we can here best imitate His divine attributes. If ever there was a cause in which justice and mercy are not only combined and reconciled, but incorporated, it is in this cause of suffering nations, which we now bring before your Lordships this second session of Parliament, unwearied and unfatigued in our persevering pursuit; and we feel it to be a necessary preliminary, a necessary fact, a necessary attendant and concomitant of every public thanksgiving, that we should express our gratitude by our virtues, and not merely with our mouths, and that, when we are giving thanks for acts of mercy, we should render ourselves worthy of them by doing acts of mercy ourselves. My Lords, these considerations, independent of those which were our first movers in this business, strongly urge us at present to pursue with all zeal and perseverance the great cause we have now in hand. And we feel this to be the more necessary, because we cannot but be sensible that

light, unstable, variable, capricious, inconstant, fastidious minds soon tire in any pursuit that requires strength, steadiness, and perseverance. Such persons, who we trust are but few, and who certainly do not resemble your Lordships nor us, begin already to say, How long is this business to continue? Our answer is, It is to continue till its ends are obtained.

We know, that, by a mysterious dispensation of Providence, injury is quick and rapid, and justice slow; and we may say that those who have not patience and vigor of mind to attend the tardy pace of justice counteract the order of Providence, and are resolved not to be just at all. We, therefore, instead of bending the order of Nature to the laxity of our characters and tempers, must rather confirm ourselves by a manly fortitude and virtuous perseverance to continue within those forms, and to wrestle with injustice, until we have shown that those virtues which sometimes wickedness debauches into its cause, such as vigor, energy, activity, fortitude of spirit, are called back and brought to their true and natural service, — and that in the pursuit of wickedness, in the following it through all the winding recesses and mazes of its artifices, we shall show as much vigor, as much constancy, as much diligence, energy, and perseverance, as any others can do in endeavoring to elude the laws and triumph over the justice of their country. My Lords, we have thought it the more necessary to say this, because it has been given out that we might faint in this business. No: we follow, and trust we shall always follow, that great emblem of antiquity, in which the person who held out to the end of a long line of labors found the reward of all the eleven in the twelfth. Our labor, therefore, will be our reward;

and we will go on, we will pursue with vigor and diligence, in a manner suitable to the Commons of Great Britain, every mode of corruption, till we have thoroughly eradicated it.

I think it necessary to say a word, too, upon another circumstance, of which there is some complaint, as if some injustice had arisen from voluntary delay on our part.

I have already alluded to, first, the melancholy, then the joyful occasion of this delay; and I shall now make one remark on another part of the complaint, which I understand was formally made to your Lordships soon after we had announced our resolution to proceed in this great cause of suffering nations before you. It has been alleged, that the length of the pursuit had already very much distressed the person who is the object of it, — that it leaned upon a fortune unequal to support it, — and that 30,000*l.* had been already spent in the preliminary preparations for the defence.

My Lords, I do admit that all true, genuine, and unadulterated justice considers with a certain degree of tenderness the person whom it is called to punish, and never oppresses those by the process who ought not to be oppressed but by the sentence of the court before which they are brought. The Commons have heard, indeed, with some degree of astonishment, that 30,000*l.* hath been laid out by Mr. Hastings in this business. We, who have some experience in the conduct of affairs of this nature, we, who profess to proceed with regard not to the economy so much as to the rigor of this prosecution, (and we are justified by our country in so doing,) upon a collation and comparison of the public expenses with those which

the defendant is supposed to have incurred, are much surprised to hear it. We suppose that his solicitors can give a good account to him of those expenses, — that the thing is true, — and that he has actually, through them, incurred this expense. We have nothing to do with this: but we shall remove any degree of uneasiness from your Lordships' minds, and from our own, when we show you in the charge which we shall bring before you this day, that one bribe only received by Mr. Hastings, the smallest of his bribes, or nearly the smallest, the bribe received from Rajah Nobkissin, is alone more than equal to have paid all the charges Mr. Hastings is stated to have incurred; and if this be the case, your Lordships will not be made very uneasy in a case of bribery by finding that you press upon the sources of peculation.

It has also been said that we weary out the public patience in this cause. The House of Commons do not call upon your Lordships to do anything of which they do not set the example. They have very lately sat in the Colchester Committee as many, within one or two, days successively as have been spent in this trial interruptedly in the course of two years. Every cause deserves that it should be tried according to its nature and circumstances; and in the case of the Colchester Committee, in the trial of paltry briberies of odd pounds, shillings, and pence, in the corruption of a returning officer, who is but a miller, they spent nearly the same number of days that we have been inquiring into the ruin of kingdoms by the peculation and bribery of the chief governor of the provinces of Bengal, Bahar, and Orissa. Therefore God forbid that we should faint at thrice thirty days, if the proceedings should be drawn into such a length, when

for a small crime as much time has been spent as has yet been spent in this great cause!

Having now cleared the way with regard to the local and temporary circumstances of this case, — having shown your Lordships that too much time has not been spent in it, — having no reason to think, from the time which has hitherto been spent, that time will be unnecessarily spent in future, — I trust your Lordships will think that time ought neither to be spared nor squandered in this business: we will therefore proceed, article by article, as far as the discretion of the House of Commons shall think fit, for the justice of the case, to limit the inquiry, or to extend it.

We are now going to bring before your Lordships the sixth article. It is an article of charge of bribery and corruption against Mr. Hastings; but yet we must confess that we feel some little difficulty *in limine*. We here appear in the name and character not only of representatives of the Commons of Great Britain, but representatives of the inhabitants of Bengal: and yet we have had lately come into our hands such ample certificates, such full testimonials, from every person in whose cause we complain, that we shall appear to be in the strangest situation in the world, — the situation of persons complaining, who are disavowed by the persons in whose name and character they complain. This would have been a very great difficulty in the beginning, especially as it is come before us in a flood-tide of panegyric. No encomium can be more exalted or more beautifully expressed. No language can more strongly paint the perfect satisfaction, the entire acquiescence, of all the nations of Bengal, and their wonderful ad-

miration of the character of the person whom we have brought as a criminal to your bar upon their part. I do admit that it is a very awkward circumstance; but yet, at the same time, the same candor which has induced the House of Commons to bring before you the bosom friends and confidants of Mr. Hastings as their evidence will not suffer them to suppress or withhold for a moment from your Lordships this universal voice of Bengal, as an attestation in Mr. Hastings's favor, and we shall produce it as a part of our evidence. Oh, my Lords, consider the situation of a people who are forced to mix their praises with their groans, who are forced to sign, with hands which have been in torture, and with the thumb-screws but just taken from them, an attestation in favor of the person from whom all their sufferings have been derived! When we prove to you the things that we shall prove, this will, I hope, give your Lordships a full, conclusive, and satisfactory proof of the misery to which these people have been reduced. You will see before you, what is so well expressed by one of our poets as the homage of tyrants, "that homage with the mouth which the heart would fain deny, but dares not." Mr. Hastings has received that homage, and that homage we mean to present to your Lordships: we mean to present it, because it will show your Lordships clearly, that, after Mr. Hastings has ransacked Bengal from one end to the other, and has used all the power which he derives from having every friend and every dependant of his in every office from one end of that government to the other, he has not, in all those panegyrics, those fine high-flown Eastern encomiums, got one word of refutation or one word of evidence against

any charge whatever which we produce against him. Every one knows, that, in the course of criminal trials, when no evidence of *alibi* can be brought, when all the arts of the Old Bailey are exhausted, the last thing produced is evidence to character. His cause, therefore, is gone, when, having ransacked Bengal, he has nothing to say for his conduct, and at length appeals to his character. In those little papers which are given us of our proceedings in our criminal courts, it is always an omen of what is to follow: after the evidence of a murder, a forgery, or robbery, it ends in his character: "He has an admirable character; I have known him from a boy; he is wonderfully good; he is the best of men; I would trust him with untold gold": and immediately follows, "Guilty, — Death." This is the way in which, in our courts, character is generally followed by sentence. The practice is not modern. Undoubtedly Mr. Hastings has the example of criminals of high antiquity; for Caius Verres, Antonius, and every other man who has been famous for the pillage and destruction of provinces, never failed to bring before their judges the attestations of the injured to their character. Voltaire says, "*Les bons mots sont toujours redits.*" A similar occasion has here produced a similar conduct. He has got just the same character as Caius Verres got in another cause; and the *laudationes*, which your Lordships know always followed, to save trouble, we mean ourselves to give your Lordships; we mean to give them with this strong presumption of guilt, that in all this panegyric there is not one word of defence to a single article of charge; they are mere lip-honors: but we think we derive from those panegyrics, which Mr.

Hastings has had sent over as evidence to supply the total want of it, an indication of the impossibility of attaining it. Mr. Hastings has brought them here, and I must say we are under some difficulty about them, and the difficulty is this. We think we can produce before your Lordships proofs of barbarity and peculation by Mr. Hastings; we have the proofs of them in specific provinces, where those proofs may be met by contrary proofs, or may lose their weight from a variety of circumstances. We thought we had got the matter sure, that everything was settled, that he could not escape us, after he had himself confessed the bribes he had taken from the specific provinces. But in what condition are we now? We have from those specific provinces the strongest attestations that there is not any credit to be paid to his own acknowledgments. In short, we have the complaints, concerning these crimes of Mr. Hastings, of the injured persons themselves; we have his own confessions; we shall produce both to your Lordships. But these persons now declare, that not only their own complaints are totally unfounded, but that Mr. Hastings's confessions are not true, and not to be credited. These are circumstances which your Lordships will consider in the view you take of this wonderful body of attestation.

It is a pleasant thing to see in these addresses the different character and modes of eloquence of different countries. In those that will be brought before your Lordships you will see the beauty of chaste European panegyric improved by degrees into high, Oriental, exaggerated, and inflated metaphor. You will see how the language is first written in English, then translated into Persian, and then retranslated into

English. There may be something amusing to your Lordships in this, and the beauty of these styles may, in this heavy investigation, tend to give a little gayety and pleasure. We shall bring before you the European and Asiatic incense. You will have the perfume-shops of the two countries.

One of the accusations which we mean to bring against Mr. Hastings is upon the part of the Zemindar Radanaut, of the country of Dinagepore. Now hear what the Zemindar says himself. "As it has been learned by me, the mutsuddies, and the respectable officers of my zemindary, that the ministers of England are displeased with the late Governor, Warren Hastings, Esquire, upon the suspicion that he oppressed us, took money from us by deceit and force, and ruined the country, therefore we, upon the strength of our religion, which we think it incumbent on and necessary for us to abide by, following the rules laid down in giving evidence, declare the particulars of the acts and deeds of Warren Hastings, Esquire, full of circumspection and caution, civility and justice, superior to the conduct of the most learned, and, by representing what is fact, wipe away the doubts that have possessed the minds of the ministers of England; that Mr. Hastings is possessed of fidelity and confidence, and yielding protection to us; that he is clear of the contamination of mistrust and wrong, and his mind is free of covetousness or avarice. During the time of his administration no one saw other conduct than that of protection to the husbandman, and justice. No inhabitant ever experienced afflictions, no one ever felt oppression from him; our reputations have always been guarded from attacks by his prudence, and our families have always

been protected by his justice. He never omitted the smallest instance of kindness towards us, but healed the wounds of despair with the salve of consolation by means of his benevolent and kind behavior, never permitting one of us to sink in the pit of despondence. He supported every one by his goodness, overset the designs of evil-minded men by his authority, tied the hand of oppression with the strong bandage of justice, and by these means expanded the pleasing appearance of happiness and joy over us. He reëstablished justice and impartiality. We were during his government in the enjoyment of perfect happiness and ease, and many of us are thankful and satisfied. As Mr. Hastings was well acquainted with our manners and customs, he was always desirous, in every respect, of doing whatever would preserve our religious rites, and guard them against every kind of accident and injury, and at all times protected us. Whatever we have experienced from him, and whatever happened from him, we have written without deceit or exaggeration."

My Lords, here is a panegyric; and, directly contrary to the usual mode of other accusers, we begin by producing the panegyrics made upon the person whom we accuse. We shall produce along with the charge, and give as evidence, the panegyric and certificate of the persons whom we suppose to have suffered these wrongs. We suffer ourselves even to abandon, what might be our last resource, his own confession, by showing that one of the princes from whom he confesses that he took bribes has given a certificate of the direct contrary.

All these things will have their weight upon your Lordships' minds; and when we have put ourselves under this disadvantage, (what disadvantage it is your

Lordships will judge,) at least we shall stand acquitted of unfairness in charging him with crimes directly contrary to the panegyrics in this paper contained. Indeed, I will say this for him, that general charge and loose accusation may be answered by loose and general panegyric, and that, if ours were of that nature, this panegyric would be sufficient to overset our accusation. But we come before your Lordships in a different manner and upon different grounds. I am ordered by the Commons of Great Britain to support the charge that they have made, and persevere in making, against Warren Hastings, Esquire, late Governor-General of Bengal, and now a culprit at your bar: First, for having taken corruptly several bribes, and extorted by force, or under the power and color of his office, several sums of money from the unhappy natives of Bengal. The next article which we shall bring before you is, that he is not only personally corrupted, but that he has personally corrupted all the other servants of the Company, — those under him, whose corruptions he ought to have controlled, and those above him, whose business it was to control his corruptions.

We purpose to make good to your Lordships the first of these, by submitting to you, that part of those sums which are specified in the charge were taken by him with his own hand and in his own person, but that much the greater part have been taken from the natives by the instrumentality of his black agents, banians, and other dependants, — whose confidential connection with him, and whose agency on his part in corrupt transactions, if his counsel should be bold enough to challenge us to the proof, we shall fully prove before you. The next part, and the second

branch of his corruption, namely, what is commonly called his active corruption, distinguishing the personal under the name of passive, will appear from his having given, under color of contracts, a number of corrupt and lucrative advantages from a number of unauthorized and unreasonable grants, pensions, and allowances, by which he corrupted actively the whole service of the Company. And, lastly, we shall show, that, by establishing a universal connivance from one end of the service to the other, he has not only corrupted and contaminated it in all its parts, but bound it in a common league of iniquity to support mutually each other against the inquiry that should detect and the justice that should punish their offences. These two charges, namely, of his active and passive corruption, we shall bring one after the other, as strongly and clearly illustrating and as powerfully confirming each other.

The first which we shall bring before you is his own passive corruption, — so we commonly call it. Bribes are so little known in this country that we can hardly get clear and specific technical names to distinguish them; but in future, I am afraid, the conduct of Mr. Hastings will improve our law vocabulary. The first, then, of these offences with which Mr. Hastings stands charged here is receiving bribes himself, or through his banians. Every one of these are overt acts of the general charge of bribery, and they are every one of them, separately taken, substantive crimes. But whatever the criminal nature of these acts was, (and the nature was very criminal, and the consequences to the country very dreadful,) yet we mean to prove to your Lordships that they were not single acts, that they were not acts committed as opportunity offered,

or as necessity tempted or urged upon the occasion, but that they are parts of a general systematic plan of corruption, for advancing his fortune at the expense of his integrity; that he has, for that purpose, not only taken the opportunity of his own power, but made whole establishments, altered and perverted others, and created complete revolutions in the country's government, for the purpose of making the power which ought to be subservient to legal government subservient to corruption; that, when he could no longer cover these fraudulent proceedings by artifice, he endeavored to justify them by principle. These artifices we mean to detect; these principles we mean to attack, and, with your Lordships' aid, to demolish, destroy, and subvert forever.

My Lords, I must say, that in this business, which is a matter of collusion, concealment, and deceit, your Lordships will, perhaps, not feel the same degree of interest as in the others. Hitherto you have had before you crimes of dignity: you have had before you the ruin and expulsion of great and illustrious families, the breach of solemn public treaties, the merciless pillage and total subversion of the first houses in Asia. But the crimes which are the most striking to the imagination are not always the most pernicious in their effects: in these high, eminent acts of domineering tyranny, their very magnitude proves a sort of corrective to their virulence. The occasions on which they can be exercised are rare; the persons upon whom they can be exercised few; the persons who can exercise them, in the nature of things, are not many. These high tragic acts of superior, overbearing tyranny are privileged crimes; they are the unhappy, dreadful prerogative, they are the distin-

guished and incommunicable attributes, of superior wickedness in eminent station.

But, my Lords, when the vices of low, sordid, and illiberal minds infect that high situation,—when theft, bribery, and peculation, attended with fraud, prevarication, falsehood, misrepresentation, and forgery — when all these follow in one train, — when these vices, which gender and spawn in dirt, and are nursed in dunghills, come and pollute with their slime that throne which ought to be a seat of dignity and purity, the evil is much greater; it may operate daily and hourly; it is not only imitable, but improvable, and it will be imitated, and will be improved, from the highest to the lowest, through all the gradations of a corrupt government. They are reptile vices. There are situations in which the acts of the individual are of some moment, the example comparatively of little importance. In the other, the mischief of the example is infinite.

My Lords, when once a Governor-General receives bribes, he gives a signal to universal pillage to all the inferior parts of the service. The bridles upon hard-mouthed passion are removed; they are taken away; they are broken. Fear and shame, the great guards to virtue next to conscience, are gone. Shame! how can it exist? — it will soon blush away its awkward sensibility. Shame, my Lords, cannot exist long, when it is seen that crimes which naturally bring disgrace are attended with all the outward symbols, characteristics, and rewards of honor and of virtue, — when it is seen that high station, great rank, general applause, vast wealth follow the commission of peculation and bribery. Is it to be believed that men can long be ashamed of that which they see to be the

road to honor? As to fear, let a Governor-General once take bribes, there is an end of all fear in the service. What have they to fear? Is it the man whose example they follow that is to bring them before a tribunal for their punishment? Can he open any inquiry? He cannot: he that opens a channel of inquiry under these circumstances opens a high-road to his own detection. Can he make any laws to prevent it? None: for he can make no laws to restrain that practice without the breach of his own laws immediately in his own conduct. If we once can admit, for a single instant, in a Governor-General, a principle, however defended, upon any pretence whatever, to receive bribes in consequence of his office, there is an end of all virtue, an end of the laws, and no hope left in the supreme justice of the country. We are sensible of all these difficulties; we have felt them; and perhaps it has required no small degree of exertion for us to get the better of these difficulties which are thrown in our way by a Governor-General accepting bribes, and thereby screening and protecting the whole service in such iniquitous proceedings.

With regard to this matter, we are to state to your Lordships, in order to bring it fully and distinctly before you, what the nature of this distemper of bribery is in the Indian government. We are to state what the laws and rules are which have been opposed to prevent it, and the utter insufficiency of all that have been proposed: to state the grievance, the instructions of the Company and government, the acts of Parliament, the constructions upon the acts of Parliament. We are to state to your Lordships the particular situation of Mr. Hastings; we are to state the trust the Company had in him for the pre-

vention of all those evils; and then we are to prove that every evil, that all those grievances which the law intended to prevent, which there were covenants to restrain, and with respect to which there were encouragements to smooth and make easy the path of duty, Mr. Hastings was invested with a special, direct, and immediate trust to prevent. We are to prove to your Lordships that he is the man who, in his own person collectively, has done more mischief than all those persons whose evil practices have produced all those laws, those regulations, and even his own appointment.

The first thing that we shall do is to state, and which we shall prove in evidence, that this vice of bribery was the ancient, radical, endemical, and ruinous distemper of the Company's affairs in India, from the time of their first establishment there. Very often there are no words nor any description which can adequately convey the state of a thing like the direct evidence of the thing itself: because the former might be suspected of exaggeration; you might think that which was really fact to be nothing but the coloring of the person that explained it; and therefore I think that it will be much better to give to your Lordships here a direct state of the Presidency at the time when the Company enacted those covenants which Mr. Hastings entered into, and when they took those measures to prevent the very evils from persons placed in those very stations and in those very circumstances in which we charge Mr. Hastings with having committed the offences we now bring before you.

I wish your Lordships to know that we are going to read a consultation of Lord Clive's, who was sent out for the express purpose of reforming the state of the

Company, in order to show the magnitude of the pecuniary corruptions that prevailed in it.

"It is from a due sense of the regard we owe and profess to your interests and to our own honor, that we think it indispensably necessary to lay open to your view a series of transactions too notoriously known to be suppressed, and too affecting to your interest, to the national character, and to the existence of the Company in Bengal, to escape unnoticed and uncensured, — transactions which seem to demonstrate that every spring of this government was smeared with corruption, that principles of rapacity and oppression universally prevailed, and that every spark of sentiment and public spirit was lost and extinguished in the unbounded lust of unmerited wealth.

"To illustrate these positions, we must exhibit to your view a most unpleasing variety of complaints, inquiries, accusations, and vindications, the particulars of which are entered in our Proceedings and the Appendix, — assuring you that we undertake this task with peculiar reluctance, from the personal regard we entertain for some of the gentlemen whose characters will appear to be deeply affected.

"At Fort St. George we received the first advices of the demise of Mir Jaffier and of Sujah Dowlah's defeat. It was there firmly imagined that no definite measures would be taken, either in respect to a peace or filling the vacancy in the nizamut, before our arrival, — as the 'Lapwing' arrived in the month of January with your general letter, and the appointment of a committee with express powers to that purpose, for the successful exertion of which the happiest occasion now offered. However, a contrary resolution

prevailed in the Council. The opportunity of acquiring immense fortunes was too inviting to be neglected, and the temptation too powerful to be resisted. A treaty was hastily drawn up by the board, or rather transcribed, with few unimportant additions, from that concluded with Mir Jaffier, — and a deputation, consisting of Messrs. Johnstone, senior, Middleton, and Leycester, appointed to raise the natural son of the deceased Nabob to the subahdarry, in prejudice of the claim of the grandson; and for this measure such reasons are assigned as ought to have dictated a diametrically opposite resolution. Meeran's son was a minor, which circumstance alone would have naturally brought the whole administration into our hands, at a juncture when it became indispensably necessary we should realize that shadow of power and influence which, having no solid foundation, was exposed to the danger of being annihilated by the first stroke of adverse fortune. But this inconsistence was not regarded; nor was it material to the views for precipitating the treaty, which was pressed on the young Nabob at the first interview, in so earnest and indelicate a manner as highly disgusted him and chagrined his ministers; while not a single rupee was stipulated for the Company, whose interests were sacrificed, that their servants might revel in the spoils of a treasury before impoverished, but now totally exhausted.

"This scene of corruption was first disclosed, at a visit the Nabob was paid, to Lord Clive and the gentlemen of the Committee, a few days after our arrival. He there delivered to his Lordship a letter filled with bitter complaints of the insults and indignities he had been exposed to, and the embezzlement of near twenty lacs of rupees, issued from his treas-

ury for purposes unknown, during the late negotiations. So public a complaint could not be disregarded, and it soon produced an inquiry. We referred the letter to the board, in expectation of obtaining a satisfactory account of the application of this money, and were answered only by a warm remonstrance entered by Mr. Leycester against that very Nabob in whose elevation he boasts of having been a principal agent.

"Mahomed Reza Khân, the Naib Subah, was then called upon to account for this large disbursement from the treasury; and he soon delivered to the Committee the very extraordinary narrative entered in our Proceedings the 6th of June, wherein he specifies the several names and sums, by whom paid, and to whom, whether in cash, bills, or obligations. So precise, so accurate an account as this of money for secret and venal services was never, we believe, before this period, exhibited to the Honorable Court of Directors,—at least, never vouched by such undeniable testimony and authentic documents: by Juggut Seet, who himself was obliged to contribute largely to the sums demanded; by Muley Ram, who was employed by Mr. Johnstone in all those pecuniary transactions; by the Nabob and Mahomed Reza Khân, who were the heaviest sufferers; and, lastly, by the confession of the gentlemen themselves whose names are specified in the distribution list.

"Juggut Seet expressly declared in his narrative, that the sum which he agreed to pay the deputation, amounting to 125,000 rupees, was extorted by menaces; and since the close of our inquiry, and the opinions we delivered in the Proceedings of the 21st June, it fully appears that the presents from the

Nabob and Mahomed Reza Khân, exceeding the immense sum of seventeen lacs, were not the voluntary offerings of gratitude, but contributions levied on the weakness of the government, and violently exacted from the dependent state and timid disposition of the minister. The charge, indeed, is denied on the one hand, as well as affirmed on the other. Your honorable board must therefore determine how far the circumstance of extortion may aggravate the crime of disobedience to your positive orders, the exposing the government in a manner to sale, and receiving the infamous wages of corruption from opposite parties and contending interests. We speak with boldness, because we speak from conviction founded upon indubitable facts, that, besides the above sums specified in the distribution account to the amount of 228,125 pounds sterling, there was likewise to the value of several lacs of rupees procured from Nundcomar and Roydullub, each of whom aspired at and obtained a promise of that very employment it was predetermined to bestow on Mahomed Reza Khân.

(Signed at the end)

"CLIVE.
W^M B. SUMNER.
JOHN CARNAC.
H. VERELST.
FRA^S SYKES."

This paper cannot be denied to be a paper of weight and authenticity, because it is signed by a gentleman now in this House, who sits on one side of the gentleman at your bar, as his bail. This grievance, therefore, so authenticated, so great, and described in so many circumstances, I think it might

be sufficient for me, in this part of the business, to show was, when Mr. Hastings was sent to India, a prevalent evil.

But, my Lords, it is necessary that I should show to you something more, because, *prima fronte*, this is some exculpation of Mr. Hastings: for, if he was only a partaker in a general misconduct, it was rather *vitium loci et vitium temporis* than *vitium hominis*. This might be said in his exculpation. But I am next to show your Lordships the means which the Company took for removing this grievance; and that Mr. Hastings's peculiar trust, the great specific ground of his appointment, was a confidence that he would eradicate this very evil, of which we are going to prove that he has been one of the principal promoters. I wish your Lordships to advert to one particular circumstance, — namely, that the two persons who were bidders at this time, and at this auction of government, for the favor and countenance of the Presidency at Calcutta, were Mahomed Reza Khân and Rajah Nundcomar. I wish your Lordships to recollect this by-and-by, when we shall bring before you the very same two persons, who, in the same sort of transaction, and in circumstances exactly similar, or very nearly so, were candidates for the favor of Mr. Hastings.

My Lords, our next step will be to show you that the Company in 1768 had made a covenant expressly forbidding the taking of presents of above 400*l.* value in each present by the Governor-General. I take it for granted, this will not be much litigated. They renewed and enforced that with other covenants and other instructions; and at last came an act of Parliament, in the clearest, the most definite, the most spe-

cific words that all the wisdom of the legislature, intent upon the eradication of this evil, could use, to prevent the receiving of presents.

My Lords, I think it is necessary to state, that there has been some little difficulty concerning this word, *presents*. Bribery and extortion have been covered by the name of presents, and the authority and practice of the East has been adduced as a palliation of the crime. My Lords, no authority of the East will be a palliation of the breach of laws enacted in the West: and to those laws of the West, and not the vicious customs of the East, we insist upon making Mr. Hastings liable. But do not your Lordships see that this is an entire mistake? that there never was any custom of the East for it? I do not mean vicious practices and customs, which it is the business of good laws and good customs to eradicate. There are three species of presents known in the East, — two of them payments of money known to be legal, and the other perfectly illegal, and which has a name exactly expressing it in the manner our language does. It is necessary that your Lordships should see that Mr. Hastings has made use of a perversion of the names of authorized gifts to cover the most abominable and prostituted bribery. The first of these presents is known in the country by the name of *peshcush*: this *peshcush* is a fine paid, upon the grant of lands, to the sovereign, or whoever grants them. The second is the *nuzzer*, or *nuzzerana*, which is a tribute of acknowledgment from an inferior to a superior. The last is called *reshwat*, in the Persian language, — that is to say, a bribe, or sum of money clandestinely and corruptly taken, — and is as much distinguished from the others as, in the English language, a fine or

acknowledgment is distinguished from a bribe. To show your Lordships this, we shall give in evidence, that, whenever a peshcush or fine is paid, it is a sum of money publicly paid, and paid in proportion to the grant, — and that the sum is entered upon the very grant itself. We shall prove the nuzzer is in the same manner entered, and that all legal fees are indorsed upon the body of the grant for which they are taken: and that they are no more in the East than in the West any kind of color or pretence for corrupt acts, which are known by the circumstance of their being clandestinely taken, and which are acknowledged and confessed to be illegal and corrupt. Having stated that Mr. Hastings, in some of the evidence that we shall produce, endeavors to confound these three things, I am only to remark that the nuzzer is generally a very small sum of money, that it sometimes amounts to one gold mohur, that sometimes it is less, and that, in all the records of the Company, I have never known it exceed one gold mohur, or about thirty-five shillings, — passing by the fifty gold mohurs which were given to Mr. Hastings by Cheyt Sing, and a hundred gold mohurs which were given to the Mogul, as a nuzzer, by Mahomed Ali, Nabob of Arcot.

The Company, seeing that this nuzzer, though small in each sum, might amount at last to a large tax upon the country, (and it did so in fact,) thought proper to prohibit any sum of money to be taken upon any pretext whatever; and the Company in the year 1775 did expressly explode the whole doctrine of peshcush, nuzzer, and every other private lucrative emolument, under whatever name, to be taken by the Governor-General, and did expressly send out an order that that was the construction of the act, and

that he was not even to take a nuzzer. Thus we shall show that that act had totally cut up the whole system of bribery and corruption, and that Mr. Hastings had no sort of color whatever for taking the money which we shall prove he has taken.

I know that positive prohibitions, that acts of Parliament, that covenants, are things of very little validity indeed, as long as all the means of corruption are left in power, and all the temptations to corrupt profit are left in poverty. I should really think that the Company deserved to be ill served, if they had not annexed such appointments to great trusts as might secure the persons intrusted from the temptations of unlawful emolument, and, what in all cases is the greatest security, given a lawful gratification to the natural passions of men. Matrimony is to be used as a true remedy against a vicious course of profligate manners; fair and lawful emoluments, and the just profits of office, are opposed to the unlawful means which might be made use of to supply them. For, in truth, I am ready to agree, that for any man to expect a series of sacrifices without a return in blessings, to expect labor without a prospect of reward, and fatigue without any means of securing rest, is an unreasonable demand in any human creature from another. Those who trust that they shall find in men uncommon and heroic virtues are themselves endeavoring to have nothing paid them but the common returns of the worst parts of human infirmity. And therefore I shall show your Lordships that the Company did provide large, ample, abundant means for supporting the Governor-General, — that Lord Clive, in the year 1765, and the Council with him, of which Mr. Sumner, I am glad and proud to

say, was one, did fix such an allowance as they thought a sufficient security to the Governor-General against the temptations attendant upon his situation; and therefore, after they had fixed this sum, they say, "that, although by this means the Governor will not be able to amass a million or half a million in the space of two or three years, yet he will acquire a very handsome independency, and be in that very situation which a man of honor and true zeal for the service would wish to possess. Thus situated, he may defy all opposition in Council; he will have nothing to ask, nothing to propose, but what he wishes for the advantage of his employers; he may defy the law, because there can be no foundation for a bill of discovery; and he may defy the obloquy of the world, because there can be nothing censurable in his conduct. In short, if stability can be insured to such a government as this, where riches have been acquired in abundance in a small space of time, by all ways and means, and by men with or without capacities, it must be effected by a Governor thus restricted," — that is, a Governor restricted from every emolument but that of his salary. I must remark, that this salary and these emoluments were not settled upon the vague speculations of men taking the measure of their necessities for India from the manners of England; but it was fixed by the Council themselves, — fixed in India, — fixed by those who knew and were in the situation of the Governor-General, and who knew what was necessary to support his dignity and to preserve him from the temptation of corruption: and they have laid open to you such a body of advantages arising from it as would lead any man, who had a regard to his honor or conscience, to

think himself happy in having such a provision made for him, and at the same time every temptation to act corruptly removed far from him.

The emoluments of the office, though reduced from the original plan which Lord Clive had proposed, may be computed at near 30,000*l.* a year, when Mr. Hastings was President: 22,000*l.* in certain money, and the rest in other advantages. Whatever it was, I have shown that it was thought sufficient by those who were the best judges, and who, in carving for others, were carving for themselves their own allowance at the time. But, my Lords, I am to give a better opinion of the sufficiency of that provision to guard against the temptation, out of Mr. Hastings's own mouth. He says, in his letter to the Court of Directors, "Although I disclaim the consideration of my own interest in these speculations, and flatter myself that I proceed upon more liberal grounds, yet I am proud to avow the feelings of an honest ambition that stimulates me to aspire at the possession of my present station for years to come. Those who know my natural turn of mind will not ascribe this to sordid views. A very few years' possession of the government would undoubtedly enable me to retire with a fortune amply fitted to the measure of my desires, were I to consult only my ease: but in my present situation I feel my mind expand to something greater; I have catched the desire of applause in public life."

Here Mr. Hastings confesses that the emoluments affixed to office were not only sufficient for the purposes and ends which the nature of his office demanded, and the support of present dignity, but that they were sufficient to secure him, in a very few years, a

comfortable retreat; but his object in wishing to hold his office long was *to catch applause in public life.* What an unfortunate man is he, who has so often told us, in so many places, and through so many mouths, that, after fourteen years' possession of an office which was to make him a comfortable fortune in a few years, he is at length bankrupt in fortune, and for his applause in public life is now at your Lordships' bar, and his accuser is his country! This, my Lords, is to be unfortunate: but there are some misfortunes that never do or ever can arrive but through crimes. He was a deserter from the path of honor. At the turning of the two ways he made a glorious choice,—he caught at the applause of ambition: which though I am ready to consent is not virtue, yet surely a generous ambition for applause for public services in life is one of the best counterfeits of virtue, and supplies its place in some degree; and it adds a lustre to real virtue, where it exists as the substratum of it. Human nature, while it is made as it is, never can wholly repudiate it for its imperfection, because there is something yet more perfect. But what shall we say to the deserter of that cause, who, having glory and honor before him, has chosen to plunge himself into the downward road to sordid riches?

My Lords, I have shown the grievances that existed. I have shown the means that existed to put Mr. Hastings beyond a temptation to those practices of which we accuse him, even in his own opinion,—if he will not follow his example in the House of Commons, and disavow this letter, as he has done his defence before them, and say he never wrote it. That situation which was to afford him a comfortable for-

tune in a few years he has held for many years, and therefore he has not one excuse to make for himself; but I shall show your Lordships much greater and stronger proofs, that will lean heavy upon him in the day of your sentence. The first, the peculiar, trust that was put in him, was to redress all those grievances.

My Lords, I have stated to you the condition of India in 1765. You may suppose that the means that were taken, the regulations that were made by the Company at that period of time, had operated their effect, and that by the beginning of the year 1772, when Mr. Hastings came first to his government, these evils did not then require, perhaps, so vigorous an example, or so much diligence in putting an end to them; but, my Lords, I have to show you a very melancholy truth, that, notwithstanding all these means, the Company was of opinion that all these disorders had increased, and accordingly they say, without entering into all the grievous circumstances of this letter, which was wrote on the 10th of April, 1773, "We wish we could refute the observation, that almost every attempt made by us and our administration at your Presidency for reforming abuses has rather increased them, and added to the misery of a country we are so anxious to protect and cherish." They say, that, "when oppression pervades the whole country, when youths have been suffered with impunity to exercise sovereign jurisdiction over the natives, and to acquire rapid fortunes by monopolizing of commerce, it cannot be a wonder to us or yourselves that Dadney merchants do not come forward to contract with the Company, that the manufactures find their way through foreign channels, or

that our investments are at once enormously dear and of a debased quality. It is evident, then, that the evils which have been so destructive to us lie too deep for any partial plans to reach or correct; it is therefore our resolution to aim at the root of those evils, and we are happy in having reason to believe that in every just and necessary regulation we shall meet with the approbation and support of the legislature, who consider the public as materially interested in the Company's prosperity."

This is to show your Lordships that Mr. Hastings was armed with great powers to correct great abuses, and that there was reposed in him a special trust for that purpose. And now I shall show, by the twenty-fifth paragraph of the same letter, that they intrusted Mr. Hastings with this very great power from some particular hope they had, not only of his abstaining himself, which is a thing taken for granted, but of his restraining abuses through every part of the service; and therefore they say, "that, in order to effectuate this great end, the first step must be to restore perfect obedience and due subordination to your administration. Our Governor and Council must reassume and exercise their delegated powers upon every just occasion, — punish delinquents, cherish the meritorious, discountenance that luxury and dissipation which, to the reproach of government, prevailed in Bengal. Our President, Mr. Hastings, we trust, will set the example of temperance, economy, and application; and upon this, we are sensible, much will depend. And here we take occasion to indulge the pleasure we have in acknowledging Mr. Hastings's services upon the coast of Coromandel, in constructing with equal labor and ability the plan which has so much

improved our investments there; and as we are persuaded he will persevere in the same laudable pursuit through every branch of our affairs in Bengal, he, in return, may depend on the steady support and favor of his employers." Here are not only laws to restrain abuse, here are not only salaries to prevent the temptation to it, but here are praises to animate and encourage him, here is what very few men, even bad in other respects, have resisted, — here is a great trust put in him, to call upon him with particular vigor and exertion to prevent all abuses through the settlement, and particularly these abuses of corruption. Much trust is put in his frugality, his order, his management of his private affairs; and from thence they hope that he would not ruin his own fortune, but improve it by honorable means, and teach the Company's servants the same order and management, in order to free them from temptation to rapacity in their own particular situations. There have been known to be men, otherwise corrupt and vicious, who, when great trust was put in them, have called forth principles of honor latent in their minds; and men who were nursed, in a manner, in corruption have been not only great reformers by institution, but greater reformers by the example of their own conduct. Then I am to show, that, soon after his coming to that government, there were means given him instantly of realizing those hopes and expectations, by putting into his hands several arduous and several difficult commissions.

My Lords, in the year 1772 the Company had received alarming advices of many disorders throughout the country: there were likewise, at the same time, circumstances in the state of the government

upon which they thought it necessary to make new regulations. The famine which prevailed in and devastated Bengal, and the ill use that was made of that calamity to aggravate the distress for the advantage of individuals, produced a great many complaints, some true, some exaggerated, but universally spread, as I believe is in the memory of those who are not very young among us. This obliged the Company to a very serious consideration of an affair which dishonored and disgraced their government, not only at home, but through all the countries in Europe, much more than perhaps even more grievous and real oppressions that were exercised under them. It had alarmed their feelings, it had been marked, and had called the attention of the public upon them in an eminent manner.

Your Lordships remember the death of Jaffier Ali Khàn, the first of those subahs who introduced the English power into Bengal. He died about four or five years before this period. He was succeeded by two of his sons, who succeeded to one another in a very rapid succession. The first was the person of whom we have read an account to you. He was the natural son of the Nabob by a person called Munny Begum, who, for the corrupt gifts the circumstances of which we have recited, had, in prejudice of the lawful issue of the Nabob, been raised to the *musnud;* but as bastard slips, it is said in King Richard, (an abuse of a Scripture phrase,) do not take deep root, this bastard slip, Nujim ul Dowlah, shortly died, and the legitimate son, Syef ul Dowlah, succeeded him. After him another legitimate son, Mobarek ul Dowlah, succeeded in a minority. When I say *succeeded*, I wish your Lordships to understand that there is no

regular succession in the office of subah or viceroy of the kingdom; but, in general, succession has been considered, and persons have been put in that place upon some principles resembling a regular succession. That regular succession had been broken in favor of a natural son, and the mother of that natural son did obtain the superiority in the female part of the family for a time.

In consequence of these two circumstances, namely, the famine, and the abuses that were supposed to arise from it, and from the circumstance of the minority of Mobarek ul Dowlah, who now reigns or appears to reign, — in consequence of these two circumstances, the Company gave two sets of orders.

The first order related to Mahomed Reza Khân, who was (as your Lordships remember I took, in the beginning of this affair, means of explaining) lord-deputy of the province under the native government, the English holding the dewanny, — and deputy dewan, or high-steward, under the name of the English, and had the command of the whole revenue; and who was accused before the Company (the channel of which accusation we now learn) of having aggravated that famine by a monopoly for his own benefit. The Company, upon these loose and general charges, ordered that he should be divested of his office, that he should be brought down to Calcutta, and there be obliged to render an account of his conduct.

The next regulation they made was concerning the effective government of the country, which was become vacant by the removal of Mahomed Reza Khân. The offices which he held were in effect these: he was guardian to the Nabob by the appointment of the

Company; he had the care and management of his family; he had the care of the public justice; and he represented that shadow of government to foreign nations which it was the policy of the Company, at that time, to keep up. This was the person whom Mr. Hastings was ordered to remove; in consequence of which removal all these offices were to be supplied, — of guardian of the Nabob's person and manager of his family, of chief magistrate, and of representative of the fallen dignity of the native government to the foreign nations which traded to Bengal.

To these orders was added an instruction of a very remarkable nature, which was a third trust that was given to Mr. Hastings: that during the Nabob's minority he should reduce the annual allowance, which was thirty-two lacs, to sixteen; and that to prevent the abuse of this restricted sum, and to prevent its being directed by the minister's authority to other purposes than that for which the Company allowed it, (that is to say, allowed him out of what was his own,) of these sixteen lacs an account was to be regularly kept, as a check upon the person so appointed, which account was ordered to be transmitted to Calcutta, and to be sent to England.

Now we are to show your Lordships what Mr. Hastings's conduct was upon all these occasions; and for this we mean to produce testimony recorded in the Company's books, and authentic documents taken from the public offices of that country. At the same time I do admit that there never was a positive testimony that did not stand something in need of the support of presumption: for, as we know that witnesses may be perjured, and as we know that documents can be forged, we have recourse to a known principle

in the laws of all countries, that circumstances cannot lie; and therefore, if the testimony that is given was ever so clear and positive, yet, if it is contrary to the circumstances of the country, if it is contrary to the circumstances of the facts to which it alludes, if the deposition is totally adverse and alien to the characters of the persons, then I will say, that, though the testimonies should be many, though they should be consistent, and though they should be clear, yet they will still leave some degree of hesitation and doubt upon every mind timorous in the execution of justice, as every mind ought to be. If, for instance, ten witnesses were to swear that the Chief-Justice of England, that the Lord High-Chancellor, or the Archbishop of Canterbury, was seen, in the robes of his function, at noonday, robbing upon the highway, it is not the clearness, the weight, the authority of testimonies, that could make me believe it; I should attribute it to any cause, either corruption, mistake, error, or madness, rather than believe that fact. Why? Because it is totally alien to the character of the persons, the situation, the circumstances, and to all the rules of probability. But if, on the contrary, the crime charged has a perfect relation with the person, with his known conduct, with his known habits, with the situation and circumstances of the place that he is in, and with the very corrupt inherent nature of the act that he does, then much less proof than we are able to produce will serve; and according to the nature and strength of the presumptions arising from the inherent nature of a vicious principle and vicious motives in the act, will be strengthened the weakest evidence, or, if it comes to a sufficient height, the whole burden of proof will be turned upon the party

accused. And thus we shall think ourselves bound to show your Lordships, in every step of this proceeding, that there is an inherent presumption of corruption in every act. We shall show the presumptions which preceded, we shall show the presumptions which accompanied the proof; and these, with the subsequent presumptions, will make it impossible to disbelieve them. Such a body of proof was never given upon any such occasion: and it is such proof as will prevail against the whole voice of corruption, that amazing, active, diligent, spreading voice, which has been made, by buzzing in every part of this country, sometimes to sound like the public voice; it will put it to silence, by showing that your Lordships have proceeded upon the strongest evidence, active and passive.

First, Mr. Hastings received a positive order to seize upon Mahomed Reza Khân. That order he executed with a military promptitude of obedience, which will show your Lordships what are the services which are congenial to his own mind, and which find in him always a ready acquiescence, a faithful agent, and a spirited instrument in the execution. The very day after he received the order, he sent up, privately, without communicating with the Council, from whom he was not ordered to keep this proceeding a secret,—he sent up, and found that great and respectable man and respectable magistrate, who was in all those high offices which I have stated: and if I was to compare them to circumstances and situations in this country, I should say he had united in himself the character of First Lord of the Treasury, the character of Chief-Justice, the character of Lord High-Chancellor, and the character of Archbishop of Canterbury: a man

of great gravity, dignity, and authority, and advanced in years; had once 100,000*l.* a year for the support of his dignity, and had at that time 50,000*l.* This man, sitting in his garden, reposing himself after the toils of his situation, (for he was one of the most laborious men in the world,) was suddenly arrested, and, without a moment's respite, dragged down to Calcutta, and there by Mr. Hastings (exceeding the orders of the Company) confined near two years under a guard of soldiers. Mr. Hastings kept this great man for several months without even attempting the trial upon him. How he tried him afterwards your Lordships may probably in the course of this business inquire; and you will then judge, from the circumstances of that trial, that, as he was not tried for his crime, so neither was he acquitted for his innocence; — but at present I leave him in that situation. Mr. Hastings, unknown to the Council, having executed the orders of the Company in the last degree of rigor to this unhappy man, keeps him in that situation, without a trial, under a guard, separated from his country, disgraced and dishonored, and by Mr. Hastings's express order not suffered either to make a visit or receive a visitor.

There was another commission for Mr. Hastings contained in these orders. The Company, because they were of opinion that justice could not be easily obtained while the first situations of the country were filled with this man's adherents, desired Mr. Hastings to displace them: leaving him a very large power, and confiding in his justice, prudence, and impartiality not to abuse a trust of such delicacy. But we shall prove to your Lordships that Mr. Hastings thought it necessary to turn out, from the highest to

the lowest, several hundreds of people, for no other reason than that they had been put in their employments by that very man whom the English government had formerly placed there. If *we* were to insist that we could not possibly try Mr. Hastings, or come at his wickedness, until we had eradicated his influence in Bengal, and left not one man in it who was during his government in any place or office whatever, yet, though we should readily admit that we could not do the whole without it, at the same time, rather than make a general massacre of every person presumed to be under his influence, we would leave some of his crimes unproved. He did avow and declare, that, unless he turned all these persons out of their offices, he could never hope to come at the truth of any charges against Mahomed Reza Khân, against whom no specific charge had been made. Yet, upon loose and general charges, did he seize upon this man, confine him in this manner, and every person who derived any place or authority from him, high or low, was turned out. Mr. Hastings had in the Company's orders something to justify him in rigor, but he had likewise a prudential power over that rigor; and he not only treated this man in the manner described, but every human creature connected with him, as if they had been all guilty, without any charge whatever against them. These are his reasons for taking this extraordinary step.

"I pretend not to enter into the views of others. My own were these. Mahomed Reza Khân's influence still prevailed generally throughout the country. In the Nabob's household, and at the capital, it was scarce affected by his present disgrace. His favor was still courted, and his anger dreaded. Who, under such

discouragements, would give information or evidence against him? His agents and creatures filled every office of the nizamut and dewanny. How was the truth of his conduct to be investigated by these? It would be superfluous to add other arguments to show the necessity of prefacing the inquiry by breaking his influence, removing his dependants, and putting the direction of all the affairs which had been committed to his care into the hands of the most powerful or active of his enemies."

My Lords, if *we* of the House of Commons were to desire and to compel the East India Company, or to address the crown, to remove, according to their several situations and several capacities, every creature that had been put into office by Mr. Hastings, because we could otherwise make no inquiry into his conduct, should we not be justified by his own example in insisting upon the removal of every creature of the reigning power before we could inquire into his conduct? We have not done that, though we feel, as he felt, great disadvantages in proceeding in the inquiry while every situation in Bengal is notoriously held by his creatures, — always excepting the first of all, but which we could show is nothing under such circumstances. Then what do I infer from this, — from his obedience to the orders of the Company, carried so much beyond necessity, and prosecuted with so much rigor, — from the inquiry being suspended for so long a time, — from every person in office being removed from his situation, — from all these precautions being used as prefatory to the inquiry, when he himself says, that, after he had used all these means, he found not the least benefit and advantage from them? The use I mean to make of this is, to let your Lordships see

the great probability and presumption that Mr. Hastings, finding himself in the very selfsame situation that had occurred the year before, when Nundcomar was sold to Mahomed Reza Khân, of selling Mahomed Reza Khân to Nundcomar, made a corrupt use of it, and that, as Mahomed Reza Khân was not treated with severity for his crimes, so neither was he acquitted for his innocence. The Company had given Mr. Hastings severe orders, and very severely had he executed them. The Company gave him no orders not to institute a present inquiry; but he, under pretence of business, neglected that inquiry, and suffered this man to languish in prison to the utter ruin of his fortune.

We have in part shown your Lordships what Mr. Hastings's own manner of proceeding with regard to a public delinquent is; but at present we leave Mahomed Reza Khân where he was. Do your Lordships think that there is no presumption of Mr. Hastings having a corrupt view in this business, and of his having put this great man, who was supposed to be of immense wealth, under contributions? Mr. Hastings never trusted his colleagues in this proceeding; and what reason does he give? Why, he supposed that they must be bribed by Mahomed Reza Khân. "For," says he, "as I did not know their characters at that time, I did not know whether Mahomed Reza Khân had not secured them to his interest by the known ways in which great men in the East secure men to their interest." He never trusted his colleagues with the secret; and the person that he employed to prosecute Mahomed Reza Khân was his bitter enemy, Nundcomar. I will not go the length of saying that the circumstance of enmity disables a

person from being a prosecutor; under some circumstances it renders a man incompetent to be a witness; but this I know, that the circumstance of having no other person to rely upon in a charge against any man but his enemy, and of having no other principle to go upon than what is supposed to be derived out of that enmity, must form some considerable suspicion against the proceeding. But in this he was justified by the Company; for Nundcomar, the great rival of Mahomed Reza Khân, was in the worst situation with the Company as to his credit. This Nundcomar's politics in the country had been by Mr. Hastings himself, and by several persons joined with him, cruelly represented to the Company; and accordingly he stood so ill with them, by reason of Mr. Hastings's representations and those of his predecessors, that the Company ordered and directed, that, if he could be of any use in the inquiry into Mahomed Reza Khân's conduct, some reward should be given him suitable to his services; but they caution Mr. Hastings at the same time against giving him any trust which he might employ to the disadvantage of the Company. Now Mr. Hastings began, before he could experience any service from him, by giving him his reward, and not the base reward of a base service, *money*, but every trust and power which he was prohibited from giving him. Having turned out every one of Mahomed Reza Khân's dependants, he filled every office, as he avows, with the creatures of Nundcomar. Now when he uses a cruel and rigorous obedience in the case of Mahomed Reza Khân, when he breaks through the principles of his former conduct with regard to Nundcomar, when he gives *him*, Nundcomar, trust, whom he was cautioned not to trust, and when he gives him

that reward before any service could be done,—I say, when he does this, in violation of the Company's orders and his own principles, it is the strongest evidence that he now found them in the situation in which they were in 1765, when bribes were notoriously taken, and that each party was mutually sold to the other, and faith kept with neither. The situation in which Mr. Hastings thus placed himself should have been dreaded by him of all things, because he knew it was a situation in which the most outrageous corruption had taken place before.

There is another circumstance which serves to show that in the persecution of these great men, and the persons employed by them, he could have no other view than to extort money from them. There was a person of the name of Shitab Roy, who had a great share in the conduct of the revenues of Bahar. Mr. Hastings, in the letter to the Company, complaining of the state of their affairs, and saying that there were great and suspicious balances in the kingdom of Bahar, does not even name the name of Shitab Roy. There was an English counsellor, a particular friend of Mr. Hastings's, there, under whose control Shitab Roy acted. Without any charges, without any orders from the Company, Mr. Hastings dragged down that same Shitab Roy, and in the same ignominious prison he kept him the same length of time, that is, one year and three months, without trial; and when the trial came on, there was as much appearance of collusion in the trial as there was of rigor in the previous process. This is the manner in which Mr. Hastings executed the command of the Company for removing Mahomed Reza Khân.

When a successor to Mahomed Reza Khân was to

be appointed, your Lordships naturally expect, from the character I have given of him, and from the nature of his functions, that Mr. Hastings would be particularly precise, would use the utmost possible care in nominating a person to succeed him, who might fulfil the ends and objects of his employment, and be at the same time beyond all doubt and suspicion of corruption in any way whatever. Let us now see how he fills up that office thus vacant. When the Company ordered Mahomed Reza Khân to be dispossessed of his office, they ordered at the same time that the salary of his successor should be reduced: that 30,000*l.* was a sufficient recompense for that office. Your Lordships will see by the allowance for the office, even reduced as it was, that they expected some man of great eminence, of great consequence, and fit for those great and various trusts. They cut off the dewanny from it, that is, the collection of the revenues; and having lessened his labors, they lessened his reward. — They ordered that this person, who was to be guardian of the Nabob in his minority, and who was to represent the government, should have but 30,000*l.* The order they give is this.

"And that as Mahomed Reza Khân can no longer be considered by us as one to whom such a power can safely be committed, we trust to your local knowledge the selection of some person well qualified for the affairs of government, and of whose attachment to the Company you shall be well assured. Such person you will recommend to the Nabob, to succeed Mahomed Reza, as minister of the government, and guardian of the Nabob's minority; and we persuade ourselves that the Nabob will pay such regard to your

recommendation as to invest him with the necessary power and authority.

"As the advantages which the Company may receive from the appointment of such minister will depend on his readiness to promote our views and advance our interest, we are willing to allow him so liberal a gratification as may excite his zeal and insure his attachment to the Company; we therefore empower you to grant to the person whom you shall think worthy of this trust an annual allowance not exceeding three lacs of rupees, which we consider not only as a munificent reward for any services he shall render the Company, but sufficient to enable him to support his station with suitable rank and dignity. And here we must add, that, in the choice you shall make of a person to be the active minister of the Nabob's government, we hope and trust that you will show yourselves worthy of the confidence we have placed in you by being actuated therein by no other motives than those of the public good and the safety and interest of the Company."

My Lords, here they have given a reward, and they have described a person fit to succeed in all capacities the man whom they had thought fit to depose. Now, as we have seen how Mr. Hastings obeyed the Company's orders in the manner of removing Mahomed Reza Khân from his office, let us see how he obeyed their order for filling it up. Your Lordships will naturally suppose that he made all the orders of Mahometan and Hindoo princes to pass in strict review before him; that he had considered their age, authority, dignity, the goodness of their manners; and upon the collation of all these circumstances had chosen a person fit to be a regent to guard the Na-

bob's minority from all rapacity whatever, and fit to instruct him in everything. I will give your Lordships Mr. Hastings's own idea of the person necessary to fill such offices.

"That his rank ought to be such as at least ought not to wound the Nabob's honor, or lessen his credit in the estimation of the people, by the magisterial command which the new guardian must exercise over him, — with abilities and vigor of mind equal to the support of that authority; and the world will expect that the guardian be especially qualified by his own acquired endowments to discharge the duties of that relation in the education of his young pupil, to inspire him with sentiments suitable to his birth, and to instruct him in the principles of his religion."

This, upon another occasion, is Mr. Hastings's sense of the man who ought to be placed in that situation of trust in which the Company ordered him to place him. Did Mr. Hastings obey that order? No, my Lords, he appointed no man to fill that office. What, no man at all? No, he appointed no person at all in the sense which is mentioned there, which constantly describes a person at least of the male sex: he appointed a woman to fill that office; he appointed a woman, in a country where no woman can be seen, where no woman can be spoken to by any one without a curtain between them; for all these various duties, requiring all these qualifications described by himself, he appointed a woman. Do you want more proof than this violent transgression of the Company's orders upon that occasion that some corrupt motive must have influenced him?

My Lords, it is necessary for me to state the situa-

tion of the family, that you may judge from thence of the corrupt motives of Mr. Hastings's proceedings. The Nabob Jaffier Ali Khân had among the women of his seraglio a person called Munny Begum. She was a dancing-girl, whom he had seen at some entertainment; and as he was of a licentious turn, this dancing-girl, in the course of her profession as a prostitute, so far inveigled the Nabob, that, having a child or pretending to have had a child by him, he brought her into the seraglio; and the Company's servants sold to that son the succession of that father. This woman had been sold as a slave, — her profession a dancer, her occupation a prostitute. And, my Lords, this woman having put her natural son, as we state, and shall prove, in the place of the legitimate offspring of the Nabob, having got him placed by the Company's servants on the musnud, she came to be at the head of that part of the household which relates to the women: which is a large and considerable trust in a country where polygamy is admitted, and where women of great rank may possibly be attended by two thousand of the same sex in inferior situations. As soon as the legitimate son of the Nabob came to the musnud, there was no ground for keeping this woman any longer in that situation; and upon an application of the Company to Mahomed Reza Khân to know who ought to have the right of superiority, he answered, as he ought to have done, that, though all the women of the seraglio ought to have honor, yet the mother of the Nabob ought to have the superiority of it. Therefore this woman was removed, and the mother of the Nabob was placed in her situation. In that situation Mr. Hastings found the seraglio. If his duties had gone no further than the regulation of an

Eastern household, he ought to have kept the Nabob's mother there by the rules of that country.

What did he do? Not satisfied with giving to this prostitute every favor that she could desire, (and money must be the natural object of such a person,) Mr. Hastings deposes the Nabob's own mother, turns her out of the employment, and puts at the head of the seraglio this prostitute, who at the best, in relation to him, could only be a step-mother. If you heard no more, do your Lordships want anything further to convince you that this must be a violent, atrocious, and corrupt act, — suppose it had gone no further than the seraglio? But when I call this woman a dancing-girl, I state something lower than Europeans have an idea of respecting that situation. She was born a slave, bred a dancing-girl. Her dancing was not any of those noble and majestic movements which make part of the entertainment of the most wise, of the education of the most virtuous, which improve the manners without corrupting the morals of all civilized people, and of which, among uncivilized people, the professors have their due share of admiration; but these dances were not decent to be seen nor fit to be related. I shall pass them by. Your Lordships are to suppose the lowest degree of infamy in occupation and situation, when I tell you that Munny Begum was a slave and a dancing-girl.

The history of the Munny Begum is this. "At a village called Balkonda, near Sekundra, there lived a widow, who, from her great poverty, not being able to bring up her daughter Munny, gave her to a slave-girl belonging to Summin Ali Khân, whose name was Bissoo. During the space of five years she lived at Shahjehanabad, and was educated by Bissoo after the

manner of a dancing-girl. Afterwards the Nabob Shamut Jung, upon the marriage of Ikram ul Dowlah, brother to the Nabob Surajah ul Dowlah, sent for Bissoo Beg's set of dancing-girls from Shahjehanabad, of which Munny Begum was one, and allowed them ten thousand rupees for their expenses, to dance at the wedding. While the ceremony was celebrating, they were kept by the Nabob; but some months afterwards he dismissed them, and they took up their residence in this city. Mir Mahomed Jaffier Khân then took them into keeping, and allowed Munny and her set five hundred rupees per month, till at length, finding that Munny was pregnant, he took her into his own house. She gave birth to the Nabob Nujim ul Dowlah, and in this manner has she remained in the Nabob's family ever since."

Now it required a very peculiar mode of selection to take such a woman, so circumstanced, (resembling whom there was not just such another,) to depose the Nabob's own mother from the superiority of the household, and to substitute this woman. It would have been an abominable abuse, and would have implied corruption in the grossest degree, if Mr. Hastings had stopped there. He not only did this, but he put *her*, this woman, in the very place of Mahomed Reza Khân: he made her guardian, he made her regent, he made her viceroy, he made her the representative of the native government of the country in the eyes of strangers. There was not a trust, not a dignity in the country, which he did not put, during the minority of this unhappy person, her step-son, into the hands of this woman.

Reject, if you please, the strong presumption of corruption in disobeying the order of the Company

directing him to select a *man* fit to supply the place of Mahomed Reza Khân, to exercise all the great and arduous functions of government and of justice, as well as the regulation of the Nabob's household; and then I will venture to say, that neither your Lordships, nor any man living, when he hears of this appointment, does or can hesitate a moment in concluding that it is the result of corruption, and that you only want to be informed what the corruption was. Here is such an arrangement as I believe never was before heard of: a secluded woman in the place of a man of the world; a fantastic dancing-girl in the place of a grave magistrate; a slave in the place of a woman of quality; a common prostitute made to superintend the education of a young prince; and a step-mother, a name of horror in all countries, made to supersede the natural mother from whose body the Nabob had sprung.

These are circumstances that leave no doubt of the grossest and most flagrant corruption. But was there no application made to Mr. Hastings upon that occasion? The Nabob's uncle, whom Mr. Hastings declares to be a man of no dangerous ambition, no alarming parts, no one quality that could possibly exclude him from that situation, makes an application to Mr. Hastings for that place, and was by Mr. Hastings rejected. The reason he gives for his rejection is, because he cannot put any man in it without danger to the Company, who had ordered him to put a man into it. One would imagine the trust to be placed in him was such as enabled him to overturn the Company in a moment. Now the situation in which the Nabob's uncle, Yeteram ul Dowlah, would have been placed was this: he would have had no

troops, he would have had no treasury, he would have had no collections of revenue, nothing, in short, that could have made him dangerous, but he would have been an absolute pensioner and dependant upon the Company, though in high office; and the least attempt to disturb the Company, instead of increasing, would have been subversive of his own power. If Mr. Hastings should still insist that there might be danger from the appointment of a man, we shall prove that he was of opinion that there could be no danger from any one, — that the Nabob himself was a mere shadow, a cipher, and was kept there only to soften the English government in the eyes and opinion of the natives.

My Lords, I will detail these circumstances no further, but will bring some collateral proofs to show that Mr. Hastings was at that very time conscious of the wicked and corrupt act he was doing. For, besides this foolish principle of policy, which he gives as a reason for defying the orders of the Company, and for insulting the country, that had never before seen a woman in that situation, and *his* declaration to the Company, that their government cannot be supported by private justice, (a favorite maxim, which he holds upon all occasions,) besides these reasons which he gave for his politic injustice, he gives the following. The Company had ordered that 30,000*l.* should be given to the person appointed. He knew that the Company could never dream of giving this woman 30,000*l.* a year, and he makes use of that circumstance to justify him in putting her in that place: for he says, the Company, in the distressed state of its affairs, could never mean to give 30,000*l.* a year for the office which they order to be

filled; and accordingly, upon principles of economy, as well as upon principles of prudence, he sees there could be no occasion for giving this salary, and that it will be saved to the Company. But no sooner had he given her the appointment than that appointment became a ground for giving her that money. The moment he had appointed her, he overturns the very principle upon which he had appointed her, and gives the 30,000*l.* to her, and the officers under her, saving not one shilling to the Company by this infamous measure, which he justified only upon the principle of economy. The 30,000*l.* was given, the principle of economy vanished, a shocking arrangement was made, and Bengal saw a dancing-girl administering its justice, presiding over all its remaining power, wealth, and influence, exhibiting to the natives of the country their miserable state of degradation, and the miserable dishonor of the English Company in Mr. Hastings's abandonment of all his own pretences.

But there is a still stronger presumption. The Company ordered that this person, who was to have the management of the Nabob's revenue, and who was to be his guardian, should keep a strict account, which account should be annually transmitted to the Presidency, and by the Presidency to Europe; and the purpose of it was, to keep a control upon the reduced expenses of the sixteen lac which were ordered in the manner I mentioned. Your Lordships will naturally imagine that that control was kept safe. No, here is the order of the Directors, and you will see how Mr. Hastings obeyed it.

"As the disbursement of the sums allotted to the Nabob for the maintenance of his household and family and the support of his dignity will pass through

the hands of the minister who shall be selected by you, conformable to our preceding orders, we expect that you will require such minister to deliver annually to your board a regular and exact account of the application of the several sums paid by the Company to the Nabob. This you will strictly examine; and we trust that you will not suffer any part of the Nabob's stipend to be appropriated to the minister's own use, or wasted among the unnecessary dependants of the court, but that the whole amount be applied to the purposes for which it was assigned by us."

One would have imagined, that, after Mr. Hastings had made so suspicious an arrangement, (I will not call it by any worse name,) he would have removed all suspicion with regard to money, — that he would have obeyed the Company by constituting the control which they had ordered to be placed over a man, even a fit man, and a man worthy of the trust committed to him. But what is his answer, when three years after he is desired to produce this account? His answer is, — "I can save the board the trouble of this reference by acquainting them that no such accounts have ever been transmitted, nor, as I can affirm with most certain knowledge, any orders given for that purpose, either to Gourdas, to whose office it did not properly belong, nor to the Begum, who had the actual charge and responsibility of those disbursements."

He has given to this woman the charge of all the disbursements of the Company; the officer whom you would imagine would be responsible was not responsible, but to this prostitute and dancing-girl the whole of the revenue was given; when he was ordered to transmit that account, he not only did not

produce that account, but had given no order that it should be kept: so that no doubt can be left upon your Lordships' minds, that the sixteen lac, which were reserved for the support of the dignity of the government of that country, were employed for the purpose of Mr. Hastings's having a constant bank, from which he should draw every corrupt emolument he should think fit for himself and his associates. Thus your Lordships see that he appointed an improper person to the trust without any control, and that the very accounts which were to be the guardians of his purity, and which were to remove suspicion from him, he never so much as directed or ordered. If any one can doubt that that transaction was in itself corrupt, I can only say that his mind must be constituted in a manner totally different from that which prevails in any of the higher or lower branches of judicature in any country in the world. The suppression of an account is a proof of corruption.

When Mr. Hastings committed these acts of violence against Mahomed Reza Khân, when he proceeded to make arrangements in the Company's affairs of the same kind with those in which corruption had been before exercised, he was bound by a particular responsibility that there should be nothing mysterious in his own conduct, and that at least all the accounts should be well kept. He appointed a person nominally for that situation, — namely, the Rajah Gourdas. Who was he? A person acting, he says, under the influence of Rajah Nundcomar, whom he had declared was not fit to be employed or trusted: all the offices were filled by him. But had Rajah Gourdas, whose character is that of an excellent man,

against whom there could lie no reasonable objection on account of his personal character, and whose want of talents was to be supplied by those of Nundcomar, (and of *his* parts Mr. Hastings spoke as highly as possible,) — had he, I say, the management? No: but Munny Begum. Did she keep any accounts? No.

Mr. Hastings was ordered, and a very disagreeable and harsh order it was, to take away one half of the Nabob's allowance which he had by treaty. I do not charge Mr. Hastings with this reduction: he had nothing to do with that. Sixteen lac were cut off, and sixteen left; these two sums had been distributed, one for the support of the seraglio and the dignity of the state, the other for the court establishment and the household. The sixteen lac which was left, therefore, required to be well economized, and well administered. There was a rigor in the Company's order relative to it, which was, that it should take place from an antedated time, that is, a whole year prior to the communication of their order to the Nabob. The order was, that the Nabob's stipend should be reduced to sixteen lac a year from the month of January. Mr. Hastings makes this reflection upon it, in order to leave no doubt upon your mind of his integrity in administering that great trust: he says, —

"Your order for the reduction of the Nabob's stipend was communicated to him in the month of December, 1771. He remonstrated against it, and desired it might be again referred to the Company. The board entirely acquiesced in his remonstrance, and the subsequent payments of his stipend were paid as before. I might easily have availed myself of this

plea. I might have treated it as an act of the past government, with which I had no cause to interfere, and joined in asserting the impossibility of his defraying the vast expense of his court and household without it, which I could have proved by plausible arguments, drawn from the actual amount of the nizamut and bhela establishments; and both the Nabob and Begum would have liberally purchased my forbearance. Instead of pursuing this plan, I carried your orders rigidly and literally into execution. I undertook myself the laborious and reproachful task of limiting his charges, from an excess of his former stipend, to the sum of his reduced allowance."

He says in another place, — "The stoppage of the king's tribute was an act of mine, and I have been often reproached with it. It was certainly in my power to have continued the payment of it, and to have made my terms with the king for any part of it which I might have chosen to reserve for my own use. He would have thanked me for the remainder."

My Lords, I believe it is a singular thing, and what your Lordships have been very little used to, to see a man in the situation of Mr. Hastings, or in any situation like it, so ready in knowing all the resources by which sinister emolument may be made and con cealed, and which, under pretences of public good, may be transferred into the pocket of him who uses those pretences. He is resolved, if he is innocent, that his innocence shall not proceed from ignorance. He well knows the ways of falsifying the Company's accounts; he well knows the necessities of the natives, and he knows that by paying a part of their dues they will be ready to give an acquittance of the whole. These are parts of Mr. Hastings's knowledge of which

your Lordships will see he also well knows how to avail himself.

But you would expect, when he reduced the allowance to sixteen lac, and took credit to himself as if he had done the thing which he professed, and had argued from his rigor and cruelty his strict and literal obedience to the Company, that he had in reality done it. The very reverse: for it will be in proof, that, after he had pretended to reduce the Company's allowance, he continued it a twelvemonth from the day in which he said he had entirely executed it, to the amount of 90,000*l.*, and entered a false account of the suppression in the Company's accounts; and when he has taken a credit as under pretence of reducing that allowance, he paid 90,000*l.* more than he ought. Can you, then, have a doubt, after all these false pretences, after all this fraud, fabrication, and suppression which he made use of, that that 90,000*l.*, of which he kept no account and transmitted no account, was money given to himself for his own private use and advantage?

This is all that I think necessary to state to your Lordships upon this monstrous part of the arrangement; and therefore, from his rigorous obedience in cases of cruelty, and, where control was directed, from his total disobedience, and from his choice of persons, from his suppression of the accounts that ought to have been produced, and falsifying the accounts that were kept, there arises a strong inference of corruption. When your Lordships see all this in proof, your Lordships will justify me in saying that there never was (taking every part of the arrangement) such a direct, open violation of any trust. — I shall say no more with regard to the appointment of Munny Begum.

My Lords, here ended the first scene, and here ends that body of presumption arising from the transaction and inherent in it. My Lords, the next scene that I am to bring before you is the positive proof of corruption in this transaction, in which I am sure you already see that corruption must exist. The charge was brought by a person in the highest trust and confidence with Mr. Hastings, a person employed in the management of the whole transaction, a person to whom the management, subordinate to Munny Begum, of all the pecuniary transactions, and all the arrangements made upon that occasion, was intrusted.

On the 11th day of March, 1775, Nundcomar gives to Mr. Francis, a member of the Council, a charge against Mr. Hastings, consisting of two parts. The first of these charges was a vast number of corrupt dealings, with respect to which he was the informer, not the witness, but to which he indicated the modes of inquiry; and they are corrupt dealings, as Mr. Hastings himself states them, amounting to millions of rupees, and in transactions every one of which implies in it the strongest degree of corruption. The next part was of those to which he was not only an informer, but a witness, in having been the person who himself transmitted the money to Mr. Hastings and the agents of Mr. Hastings; and accordingly, upon this part, which is the only part we charge, his evidence is clear and full, that he gave the money to Mr. Hastings, — he and the Begum (for I put them together). He states, that Mr. Hastings received for the appointment of Munny Begum to the rajahship two lacs of rupees, or about 22,000*l.*, and that he received in another gross sum one lac and a half of rupees: in all making three lac and a half,

or about 36,000*l.* This charge was signed by the man, and accompanied with the account.

Mr. Hastings, on that day, made no reflection or observation whatever upon this charge, except that he attempted to excite some suspicion that Mr. Francis, who had produced it, was concerned in the charge, and was the principal mover in it. He asks Mr. Francis that day this question: —

"The Governor-General observes, as Mr. Francis has been pleased to inform the board that he was unacquainted with the contents of the letter sent in to the board by Nundcomar, that he thinks himself justified in carrying his curiosity further than he should have permitted himself without such a previous intimation, and therefore begs leave to ask Mr. Francis whether he was before this acquainted with Nundcomar's intention of bringing such charges against him before the board.

"*Mr. Francis.*—As a member of this Council, I do not deem myself obliged to answer any question of mere curiosity. I am willing, however, to inform the Governor-General, that, though I was totally unacquainted with the contents of the paper I have now delivered in to the board till I heard it read, I did apprehend in general that it contained some charge against him. It was this apprehension that made me so particularly cautious in the manner of receiving the Rajah's letter. I was not acquainted with Rajah Nundcomar's intention of bringing in such charges as are mentioned in the letter.

"WARREN HASTINGS.
J. CLAVERING.
GEO. MONSON.
P. FRANCIS."

Now what the duty of Mr. Hastings and the Council was, upon receiving such information, I shall beg leave to state to your Lordships from the Company's orders; but, before I read them, I must observe, that, in pursuance of an act of Parliament, which was supposed to be made upon account of the neglect of the Company, as well as the neglects of their servants, and for which general neglects responsibility was fixed upon the Company for the future, while for the present their authority was suspended, and a Parliamentary commission sent out to regulate their affairs, the Company did, upon that occasion, send out a general code and body of instructions to be observed by their servants, in the 35th paragraph of which it is said,—

"We direct that you immediately cause the strictest inquiry to be made into all oppressions which may have been committed either against the natives or Europeans, and into all abuses that may have prevailed in the collection of the revenues, or any part of the civil government of the Presidency: and that you communicate to us all information which you may be able to learn relative thereto, or to any dissipation or embezzlement of the Company's money."

Your Lordships see here that there is a direct duty fixed upon them to forward, to promote, to set on foot, without exception of any persons whatever, an inquiry into all manner of corruption, peculation, and oppression. Therefore this charge of Nundcomar's was a case exactly within the Company's orders; such a charge was not sought out, but was actually laid before them; but if it had not been actually laid before them, if they had any reason to suspect that such corruptions existed, they were bound by this order to make an active inquiry into them.

Upon that day (11th March, 1775) nothing further passed; and, on the part of Mr. Hastings, that charge, as far as we can find, might have stood upon the records forever, without his making the smallest observation upon it, or taking any one step to clear his own character. But Nundcomar was not so inattentive to his duties as an accuser as Mr. Hastings was to his duties as an inquirer; for, without a moment's delay, upon the first board-day, two days after, Nundcomar came and delivered the following letter.

"I had the honor to lay before you, in a letter of the 11th instant, an abstracted, but true account of the Honorable Governor in the course of his administration. What is there written I mean not the least to alter: far from it. I have the strongest written vouchers to produce in support of what I have advanced; and I wish and entreat, for my honor's sake, that you will suffer me to appear before you, to establish the fact by an additional, incontestable evidence."

My Lords, I will venture to say, if ever there was an accuser that appeared well and with weight before any court, it was this man. He does not shrink from his charge; he offered to meet the person he charged face to face, and to make good his charge by his own evidence, and further evidence that he should produce. Your Lordships have also seen the conduct of Mr. Hastings on the first day; you have seen his acquiescence under it; you have seen the suspicion he endeavored to raise. Now, before I proceed to what Mr. Hastings thought of it, I must remark upon this accusation, that it is a specific accusation, coming from a person knowing the very transaction, and known to be concerned in it, — that it was an accusa-

tion in writing, that it was an accusation with a signature, that it was an accusation with a person to make it good, that it was made before a competent authority, and made before an authority bound to inquire into such accusation. When he comes to produce his evidence, he tells you, first, the sums of money given, the species in which they were given, the very bags in which they were put, the exchange that was made by reducing them to the standard money of the country; he names all the persons through whose hands the whole transaction went, eight in number, besides himself, Munny Begum, and Gourdas, being eleven, all referred to in this transaction. I do believe that since the beginning of the world there never was an accusation which was more deserving of inquiry, because there never was an accusation which put a false accuser in a worse situation, and that put an honest defendant in a better; for there was every means of collation, every means of comparison, every means of cross-examining, every means of control. There was every way of sifting evidence, in which evidence could be sifted. Eleven witnesses to the transaction are referred to; all the particulars of the payment, every circumstance that could give the person accused the advantage of showing the falsehood of the accusation, were specified. General accusations may be treated as calumnies; but particular accusations, like these, afford the defendant, if innocent, every possible means for making his defence: therefore the very making no defence at all would prove, beyond all doubt, a consciousness of guilt.

The next thing for your Lordships' consideration is the conduct of Mr. Hastings upon this occasion. You would imagine that he would have treated the

accusation with a cold and manly disdain; that he would have challenged and defied inquiry, and desired to see his accuser face to face. This is what any man would do in such a situation. I can conceive very well that a man composed, firm, and collected in himself, conscious of not only integrity, but known integrity, conscious of a whole life beyond the reach of suspicion, — that a man placed in such a situation might oppose general character to general accusation, and stand collected in himself, poised on his own base, and defying all the calumnies in the world. But as it shows a great and is a proof of a virtuous mind to despise calumny, it is the proof of a guilty mind to despise a specific accusation, when made before a competent authority, and with competent means to prove it. As Mr. Hastings's conduct was what no man living expected, I will venture to say that no expression can do it justice but his own. Upon reading the letter, and a motion being made that Rajah Nundcomar be brought before the board to prove the charge against the Governor-General, the Governor-General enters the following minute.

"Before the question is put, I declare that I will not suffer Nundcomar to appear before the board as my accuser. I know what belongs to the dignity and character of the first member of this administration. I will not sit at this board in the character of a criminal, nor do I acknowledge the members of this board to be my judges. I am reduced on this occasion to make the declaration, that I look upon General Clavering, Colonel Monson, and Mr. Francis as my accusers. I cannot prove this in the direct letter of the law, but in my conscience I regard them as such, and I will give my reasons for it. On their arrival at this

place, and on the first formation of the Council, they thought proper to take immediate and decisive measures in contradiction and for the repeal of those which were formed by me in conjunction with the last administration. I appealed to the Court of Directors from their acts. Many subsequent letters have been transmitted both by them and by me to the Court of Directors: by me, in protestation against their conduct; by them, in justification of it. Quitting this ground, they since appear to me to have chosen other modes of attack, apparently calculated to divert my attention and to withdraw that of the public from the subject of our first differences, which regarded only the measures that were necessary for the good of the service, to attacks directly and personally levelled at me for matters which tend to draw a personal and popular odium upon me: and fit instruments they have found for their purpose, — Mr. Joseph Fowke, Mahrajah Nundcomar, Roopnarain Chowdry, and the Ranny of Burdwan.

"It appears incontestably upon the records that the charges preferred by the Ranny against me proceeded from the office of Mr. Fowke. All the papers transmitted by her came in their original form written in the English language, — some with Persian papers, of which they were supposed to be translations, but all strongly marked with the character and idiom of the English language. I applied on Saturday last for Persian originals of some of the papers sent by her, and I was refused: I am justified in declaring my firm belief that no such originals exist.

"With respect to Nundcomar's accusations, they were delivered by the hands of Mr. Francis, who has declared that he was called upon by Rajah Nund-

comar, as a duty belonging to his office as a councillor of this state, to lay the packet which contained them before the board, — that he conceived that he could not, consistent with his duty, refuse such a letter at the instance of a person of the Rajah's rank, and did accordingly receive it, and laid it before the board, — declaring at the same time that he was unacquainted with the contents of it. I believe that the Court of Directors, and those to whom these proceedings shall be made known, will think differently of this action of Mr. Francis: that Nundcomar was guilty of great insolence and disrespect in the demand which he made of Mr. Francis; and that it was not a duty belonging to the office of a councillor of this state to make himself the carrier of a letter, which would have been much more properly committed to the hands of a peon or hircarra, or delivered by the writer of it to the secretary himself.

"Mr. Francis has acknowledged that he apprehended in general that it contained some charge against me. If the charge was false, it was a libel. It might have been false for anything that Mr. Francis could know to the contrary, since he was unacquainted with the contents of it. In this instance, therefore, he incurred the hazard of presenting a libel to the board: this was not a duty belonging to his office as a councillor of this state. I must further inform the board that I have been long since acquainted with Nundcomar's intentions of making this attack upon me. Happily, Nundcomar, among whose talents for intrigue that of secrecy is not the first, has been ever too ready to make the first publication of his own intentions. I was shown a paper containing many accusations against me, which I was told was

carried by Nundcomar to Colonel Monson, and that he himself was employed for some hours in private with Colonel Monson, explaining the nature of those charges.

"I mention only what I was told; but as the rest of the report which was made to me corresponds exactly with what has happened since, I hope I shall stand acquitted to my superiors and to the world in having given so much credit to it as to bring the circumstance upon record. I cannot recollect the precise time in which this is said to have happened, but I believe it was either before or at the time of the dispatch of the 'Bute' and 'Pacific.' The charge has since undergone some alteration; but of the copy of the paper which was delivered to me, containing the original charge, I caused a translation to be made; when, suspecting the renewal of the subject in this day's consultation, I brought it with me, and I desire it may be recorded, that, when our superiors, or the world, if the world is to be made the judge of my conduct, shall be possessed of these materials, they may, by comparing the supposed original and amended list of accusations preferred against me by Nundcomar, judge how far I am justified in the credit which I give to the reports above mentioned. I do not mean to infer from what I have said that it makes any alteration in the nature of the charges, whether they were delivered immediately from my ostensible accusers, or whether they came to the board through the channel of patronage; but it is sufficient to authorize the conviction which I feel in my own mind, that those gentlemen are parties in the accusations of which they assert the right of being the judges.

"From the first commencement of this administra-

tion, every means have been tried both to deprive me of the legal authority with which I have been trusted, and to proclaim the annihilation of it to the world; but no instance has yet appeared of this in so extraordinary a degree as in the question now before the board. The chief of the administration, your superior, Gentlemen, appointed by the legislature itself, shall I sit at this board to be arraigned in the presence of a wretch whom you all know to be one of the basest of mankind? I believe I need not mention his name: but it is Nundcomar. Shall I sit here to hear men collected from the dregs of the people give evidence, at his dictating, against my character and conduct? I will not. You may, if you please, form yourselves into a committee for the investigation of these matters in any manner which you may think proper; but I will repeat, that I will not meet Nundcomar at the board, nor suffer Nundcomar to be examined at the board; nor have you a right to it, nor can it answer any other purpose than that of vilifying and insulting me to insist upon it.

"I am sorry to have found it necessary to deliver my sentiments on a subject of so important a nature in an unpremeditated minute, drawn from me at the board, which I should have wished to have had leisure and retirement to have enabled me to express myself with that degree of caution and exactness which the subject requires. I have said nothing but what I believe and am morally certain I shall stand justified for in the eyes of my superiors and the eyes of the world; but I reserve to myself the liberty of adding my further sentiments in such a manner and form as I shall hereafter judge necessary."

My Lords, you see here the picture of Nundcomar

drawn by Mr. Hastings himself; you see the hurry, the passion, the precipitation, the confusion, into which Mr. Hastings is thrown by the perplexity of detected guilt; you see, my Lords, that, instead of defending himself, he rails at his accuser in the most indecent language, calling him a wretch whom they all knew to be the basest of mankind, — that he rails at the Council, by attributing their conduct to the worst of motives, — that he rails at everybody, and declares the accusation to be a libel: in short, you see plainly that the man's head is turned. You see there is not a word he says upon this occasion which has common sense in it; you see one great leading principle in it, — that he does not once attempt to deny the charge. He attempts to vilify the witness, he attempts to vilify those he supposes to be his accusers, he attempts to vilify the Council; he lags upon the accusation, he mixes it with other accusations, which had nothing to do with it, and out of the whole he collects a resolution — to do what? To meet his adversary and defy him? No, — that he will not suffer him to appear before him: he says, "I will not sit at this board in the character of a criminal, nor do I acknowledge the board to be my judges."

He was not called upon to acknowledge them to be his judges. Both he and they were called upon to inquire into all corruptions without exception. It was his duty not merely [not?] to traverse and oppose them while inquiring into acts of corruption, but he was bound to take an active part in it, — that if they had a mind to let such a thing sleep upon their records, it was his duty to have brought forward the inquiry. They were not his judges, they were not his accusers; they were his fellow-laborers in the inquiry

ordered by the Court of Directors, their masters, and by which inquiry he might be purged of that corruption with which he stood charged.

He says, "Nundcomar is a wretch whom you all know to be the basest of mankind." I believe they did not know the man to be a wretch, or the basest of mankind; but if he was a wretch, and if he was the basest of mankind, if he was guilty of all the crimes with which we charge Mr. Hastings, (not one of which was ever proved against him,) — if any of your Lordships were to have the misfortune to be before this tribunal, before any inquest of the House of Commons, or any other inquest of this nation, would you not say that it was the greatest possible advantage to you that the man who accused you was a miscreant, the vilest and basest of mankind, by the confession of all the world? Do mankind really, then, think that to be accused by men of honor, of weight, of character, upon probable charges, is an advantage to them, and that to be accused by the basest of mankind is a disadvantage? No: give me, if ever I am to have accusers, miscreants, as he calls him, — wretches, the basest and vilest of mankind. "The board," says he, "are my accusers." If they were, it was their duty; but they were not his accusers, but were inquiring into matters which it was equally his duty to inquire into. He would not suffer Nundcomar to be produced; he would not suffer Nundcomar to be examined; he rather suffered such an accusation to stand against his name and character than permit it to be inquired into. Do I want any other presumption of his guilt, upon such an occasion, than such conduct as this?

This man, whom he calls a wretch, the basest and vilest of mankind, was undoubtedly, by himself, in the

records of the Company, declared to be one of the first men of that country, everything that a subject could be, a person illustrious for his birth, sacred with regard to his caste, opulent in fortune, eminent in situation, who had filled the very first offices in that country; and that he was, added to all this, a man of most acknowledged talents, and of such a superiority as made the whole people of Bengal appear to be an inferior race of beings compared to him, — a man whose outward appearance and demeanor used to cause reverence and awe, and who at that time was near seventy years of age, which, without any other title, generally demands respect from mankind. And yet this man he calls the basest of mankind, a name which no man is entitled to call another till he has proved something to justify him in so doing; and notwithstanding his opulence, his high rank, station, and birth, he despises him, and will not suffer him to be heard as an accuser before him. I will venture to say that Mr. Hastings, in so doing, whether elevated by philosophy or inflated by pride, is not like the rest of mankind. We do know, that, in all accusations, a great part of their weight and authority comes from the character, the situation, the name, the description, the office, the dignity of the persons who bring them; mankind are so made, we cannot resist this prejudice; and it has weight, and ever will have *primâ facie* weight, in all the tribunals in the world. If, therefore, Rajah Nundcomar was a man who (it is not degrading to your Lordships to say) was equal in rank, according to the idea of his country, to any peer in this House, as sacred as a bishop, of as much gravity and authority as a judge, and who was prime-minister in the country in which he lived, with what face can

Mr. Hastings call this man a wretch, and say that he will not suffer him to be brought before him? If, indeed, joined with such circumstances, the accuser be a person of bad morals, then, I admit, those bad morals take away from their weight; but for a proof of that you must have some other grounds than the charges and the railing of the culprit against him.

I might say that his passion is a proof of his guilt; and there is an action which is more odious than the crimes he attempts to cover,—*for he has murdered this man by the hands of Sir Elijah Impey;* and if his counsel should be unwise enough to endeavor to detract from the credit of this man by the pretended punishment to which he was brought, we will open that dreadful scene to your Lordships, and you will see that it does not detract from his credit, but brings an eternal stain and dishonor upon the justice of Great Britain: I say nothing further of it. As he stood there, as he gave that evidence that day, the evidence was to be received; it stands good, and is a record against Mr. Hastings,— with this addition, that he would not suffer it to be examined. He railed at his colleagues. He says, if the charge was false, they were guilty of a libel. No: it might have been the effect of conspiracy, it might be punished in another way; but if it was false, it was no libel. And all this is done to discountenance inquiry, to bring odium upon his colleagues for doing their duty, and to prevent that inquiry which could alone clear his character.

Mr. Hastings had himself forgotten the character which he had given of Nundcomar; but he says that his colleagues were perfectly well acquainted with him, and knew that he was a wretch, the basest of

Sir Elijah Impey

From a picture by John Zoffany, R.A., in the National Portrait Gallery

mankind. But before I read to you the character which Mr. Hastings gave of him, when he recommended him to the Presidency, (to succeed Mahomed Reza Khân,) I am to let your Lordships understand fully the purpose for which Mr. Hastings gave it. Upon that occasion, all the Council, whom he stated to lie under suspicion of being bought by Mahomed Reza Khân, all those persons with one voice cried out against Nundcomar; and as Mr. Hastings was known to be of the faction the most opposite to Nundcomar, they charged him with direct inconsistency in raising Nundcomar to that exalted trust, — a charge which Mr. Hastings could not repel any other way than by defending Nundcomar. The weight of their objections chiefly lay to Nundcomar's political character; his moral character was not discussed in that proceeding. Mr. Hastings says, —

"The President does not take upon him to vindicate the moral character of Nundcomar; his sentiments of this man's former political conduct are not unknown to the Court of Directors, who, he is persuaded, will be more inclined to attribute his present countenance of him to motives of zeal and fidelity to the service, in repugnance perhaps to his own inclinations, than to any predilection in his favor. He is very well acquainted with most of the facts alluded to in the minute of the majority, having been a principal instrument in detecting them: nevertheless he thinks it but justice to make a distinction between the violation of a trust and an offence committed against our government by a man who owed it no allegiance, nor was indebted to it for protection, but, on the contrary, was the minister and actual servant of a master whose interest naturally suggested that

kind of policy which sought, by foreign aids, and the diminution of the power of the Company, to raise his own consequence, and to reëstablish his authority. He has never been charged with any instance of infidelity to the Nabob Mir Jaffier, the constant tenor of whose politics, from his first accession to the nizamut till his death, corresponded in all points so exactly with the artifices which were detected in his minister that they may be as fairly ascribed to the one as to the other: their immediate object was beyond question the aggrandizement of the former, though the latter had ultimately an equal interest in their success. The opinion which the Nabob himself entertained of the services and of the fidelity of Nundcomar evidently appeared in the distinguished marks which he continued to show him of his favor and confidence to the latest hour of his life.

"His conduct in the succeeding administration appears not only to have been dictated by the same principles, but, if we may be allowed to speak favorably of any measures which opposed the views of our own government and aimed at the support of an adverse interest, surely it was not only not culpable, but even praiseworthy. He endeavored, as appears by the abstracts before us, to give consequence to his master, and to pave the way to his independence, by obtaining a firman from the king for his appointment to the subahship; and he opposed the promotion of Mahomed Reza Khân, because he looked upon it as a supersession of the rights and authority of the Nabob. He is now an absolute dependant and subject of the Company, on whose favor he must rest all his hopes of future advancement."

The character here given of him is that of an excel-

lent patriot, a character which all your Lordships, in the several situations which you enjoy or to which you may be called, will envy, — the character of a servant who stuck to his master against all foreign encroachments, who stuck to him to the last hour of his life, and had the dying testimony of his master to his services.

Could Sir John Clavering, could Colonel Monson, could Mr. Francis know that this man, of whom Mr. Hastings had given that exalted character upon the records of the Company, was the basest and vilest of mankind? No, they ought to have esteemed him the contrary: they knew him to be a man of rank, they knew him to be a man perhaps of the first capacity in the world, and they knew that Mr. Hastings had given this honorable testimony of him on the records of the Company but a very little time before; and there was no reason why they should think or know, as he expresses it, that he was the basest and vilest of mankind. From the account, therefore, of Mr. Hastings himself, he was a person competent to accuse, a witness fit to be heard; and that is all I contend for. Mr. Hastings would not hear him, he would not suffer the charge he had produced to be examined into.

It has been shown to your Lordships that Mr. Hastings employed Nundcomar to inquire into the conduct and to be the principal manager of a prosecution against Mahomed Reza Khân. Will you suffer this man to qualify and disqualify witnesses and prosecutors agreeably to the purposes which his own vengeance and corruption may dictate in one case, and which the defence of those corruptions may dictate in another? Was Nundcomar a person fit to be employed in the greatest and most sacred trusts in the country, and yet not fit to be a witness to the

sums of money which he paid Mr. Hastings for those trusts? Was Nundcomar a fit witness to be employed and a fit person to be used in the prosecution of Mahomed Reza Khân, and yet not fit to be employed against Mr. Hastings, who himself had employed him in the very prosecution of Mahomed Reza Khân?

If Nundcomar was an enemy to Mr. Hastings, he was an enemy to Mahomed Reza Khân; and Mr. Hastings employed him, avowedly and professedly on the records of the Company, on account of the very qualification of that enmity. Was he a wretch, the basest of mankind, when opposed to Mr. Hastings? Was he not as much a wretch, and as much the basest of mankind, when Mr. Hastings employed him in the prosecution of the first magistrate and Mahometan of the first descent in Asia? Mr. Hastings shall not qualify and disqualify men at his pleasure; he must accept them such as they are; and it is a presumption of his guilt accompanying the charge, (which I never will separate from it,) that he would not suffer the man to be produced who made the accusation. And I therefore contend, that, as the accusation was so made, so witnessed, so detailed, so specific, so entered upon record, and so entered upon record in consequence of the inquiries ordered by the Company, his refusal and rejection of inquiry into it is a presumption of his guilt.

He is full of his idea of dignity. It is right for every man to preserve his dignity. There is a dignity of station, which a man has in trust to preserve; there is a dignity of personal character, which every man by being made man is bound to preserve. But you see Mr. Hastings's idea of dignity has no connection with integrity; it has no connection with

honest fame; it has no connection with the reputation which he is bound to preserve. What, my Lords, did he owe nothing to the Company that had appointed him? Did he owe nothing to the legislature, — did he owe nothing to your Lordships, and to the House of Commons, who had appointed him? Did he owe nothing to himself? to the country that bore him? Did he owe nothing to the world, as to its opinion, to which every public man owes a reputation? What an example was here held out to the Company's servants!

Mr. Hastings says, "This may come into a court of justice; it will come into a court of justice: I reserve my defence on the occasion till it comes into a court of justice, and here I make no opposition to it." To this I answer, that the Company did not order him so to reserve himself, but ordered him to be an inquirer into those things. Is it a lesson to be taught to the inferior servants of the Company, that, provided they can escape out of a court of justice by the back-doors and sally-ports of the law, by artifice of pleading, by those strict and rigorous rules of evidence which have been established for the protection of innocence, but which by them might be turned to the protection and support of guilt, that such an escape is enough for them? that an Old Bailey acquittal is enough to establish a fitness for trust? and if a man shall go acquitted out of such a court, because the judges are bound to acquit him against the conviction of their own opinion, when every man in the market-place knows that he is guilty, that he is fit for a trust? Is it a lesson to be held out to the servants of the Company, that, upon the first inquiry which is made into corruption, and that in the high-

est trust, by the persons authorized to inquire into it, he uses all the powers of that trust to quash it, — vilifying his colleagues, vilifying his accuser, abusing everybody, but never denying the charge? His associates and colleagues, astonished at this conduct, so wholly unlike everything that had ever appeared of innocence, request him to consider a little better. They declare they are not his accusers; they tell him they are not his judges; that they, under the orders of the Company, are making an inquiry which he ought to make. He declares he will not make it. Being thus driven to the wall, he says, "Why do you not form yourselves into a committee? I won't suffer these proceedings to go on as long as I am present." Mr. Hastings plainly had in view, that, if the proceedings had been before a committee, there would have been a doubt of their authenticity, as not being before a regular board; and he contended that there could be no regular board without his own presence in it: a poor, miserable scheme for eluding this inquiry; partly by saying that it was carried on when he was not present, and partly by denying the authority of this board.

I will have nothing to do with the great question that arose upon the Governor-General's resolution to dissolve a board, whether the board have a right to sit afterwards; it is enough that Mr. Hastings would not suffer them, as a Council, to examine into what, as a Council, they were bound to examine into. He absolutely declared the Council dissolved, when they did not accept his committee, for which they had many good reasons, as I shall show in reply, if necessary, and which he could have no one good reason for proposing; — he then declares the Council dis-

solved. The Council, who did not think Mr. Hastings had a power to dissolve them while proceeding in the discharge of their duty, went on as a Council. They called in Nundcomar to support his charge: Mr. Hastings withdrew. Nundcomar was asked what he had to say further in support of his own evidence. Upon which he produces a letter from Munny Begum, the dancing-girl that I have spoken of, in which she gives him directions and instructions relative to his conduct in every part of those bribes; by which it appears that the corrupt agreement for her office was made with Mr. Hastings through Nundcomar, before he had quitted Calcutta. It points out the execution of it, and the manner in which every part of the sum was paid: one lac by herself in Calcutta; one lac, which she ordered Nundcomar to borrow, and which he did borrow; and a lac and a half which were given to him, Mr. Hastings, besides this purchase money, under color of an entertainment. This letter was produced, translated, examined, criticized, proved to be sealed with the seal of the Begum, acknowledged to have no marks but those of authenticity upon it, and as such was entered upon the Company's records, confirming and supporting the evidence of Nundcomar, part by part, and circumstance by circumstance. And I am to remark, that, since this document, so delivered in, has never been litigated or controverted in the truth of it, from that day to this, by Mr. Hastings, so, if there was no more testimony, here is enough, upon this business. Your Lordships will remark that this charge consisted of two parts: two lacs that were given explicitly for the corrupt purchase of the office; and one lac and a half given in reality for the same pur-

pose, but under the color of what is called an entertainment.

Now in the course of these proceedings it was thought necessary that Mr. Hastings's banian, Cantoo Baboo, (a name your Lordships will be well acquainted with, and who was the minister in this and all the other transactions of Mr. Hastings,) should be called before the board to explain some circumstances in the proceedings. Mr. Hastings ordered his banian, a native, not to attend the sovereign board appointed by Parliament for the government of that country, and directed to inquire into transactions of this nature. He thus taught the natives not only to disobey the orders of the Court of Directors, enforced by an act of Parliament, but he taught his own servant to disobey, and ordered him not to appear before the board. Quarrels, duels, and other mischiefs arose. In short, Mr. Hastings raised every power of heaven and of hell upon this subject: but in vain: the inquiry went on.

Mr. Hastings does not meet Nundcomar: he was afraid of him. But he was not negligent of his own defence; for he flies to the Supreme Court of Justice. He there prosecuted an inquiry against Nundcomar for a conspiracy. Failing in that, he made other attempts, and disabled Nundcomar from appearing before the board by having him imprisoned, and thus utterly crippled that part of the prosecution against him. But as guilt is never able thoroughly to escape, it did so happen, that the Council, finding monstrous deficiencies in the Begum's affairs, finding the Nabob's allowance totally squandered, that the most sacred pensions were left unpaid, that nothing but disorder and confusion reigned in all his affairs, that the Na-

bob's education was neglected, that he could scarcely read or write, that there was scarcely any mark of a man left in him except those which Nature had at first imprinted, — I say, all these abuses being produced in a body before them, they thought it necessary to send up to inquire into them; and a considerable deficiency or embezzlement appearing in the Munny Begum's account of the young Nabob's stipend, she voluntarily declared, by a writing under her seal, that she had given 15,000*l.* to Mr. Hastings for an entertainment.

Mr. Hastings, finding that the charge must come fully against him, contrived a plan which your Lordships will see the effects of presently, and this was, to confound this lac and an half, or 15,000*l.*, with the two lacs given directly and specifically as a bribe, — intending to avail himself of this finesse whenever any payment was to be proved of the two lacs, which he knew would be proved against him, and which he never did deny; and accordingly your Lordships will find some confusion in the proofs of the payment of those sums. The receipt of two lacs is proved by Nundcomar, proved with all the means of detection which I have stated; the receipt of the lac and a half is proved by Munny Begum's letter, the authenticity of which was established, and never denied by Mr. Hastings. In addition to these proofs, Rajah Gourdas, who had the management of the Nabob's treasury, verbally gave an account perfectly corresponding with that of Nundcomar and the Munny Begum's letter; and he afterwards gave in writing an attestation, which in every point agrees correctly with the others. So that there are three witnesses upon this business. And he shall not disqualify Rajah Gour-

das, because, whatever character he thought fit to give Nundcomar, he has given the best of characters to Rajah Gourdas, who was employed by Mr. Hastings in occupations of trust, and therefore any objections to his competency cannot exist. Having got thus far, the only thing that remained was to examine the records of the public offices, and see whether any trace of these transactions was to be found there. These offices had been thrown into confusion in the manner you will hear; but, upon strict inquiry, there was a *shomaster*, or office paper, produced, from which it appears that the officer of the treasury, having brought to the Nabob an account of one lac and a half which he said had been given to Mr. Hastings, desired to know from him under what head of expense it should be entered, and that he, the Nabob, desired him to put it under the head of expenses for entertaining Mr. Hastings. If there had been a head of entertainment established as a regular affair, the officer would never have gone to the Nabob and asked under what name to enter it; but he found an irregular affair, and he did not know what head to put it under. And from the whole of the proceedings it appears that three lacs and a half were paid: two lac by way of bribe, one lac and a half under the color of an entertainment. Mr. Hastings endeavors to invalidate the first obliquely, not directly, for he never directly denied it; and he partly admits the second, in hopes that all the proof of payment of the first charge should be merged and confounded in the second. And therefore your Lordships will see from the beginning of that business till it came into the hands of Mr. Smith, his agent, then appearing in the name and character of agent and solicitor to the Company, that

this was done to give some appearance and color to it by a false representation, as your Lordships will see, of every part of the transaction.

The proof, then, of the two lacs rests upon the evidence of Nundcomar, the letter of Munny Begum, and the evidence of Rajah Gourdas. The evidence of the lac and a half, by way of entertainment, was at first the same; and afterwards begins a series of proofs to which Mr. Hastings has himself helped us. For, in the first place, he produces this office paper in support of his attempt to establish the confusion between the payment of the two lacs and of the lac and a half. He did not himself deny that he received a lac and a half, because with respect to that lac and a half he had founded some principle of justification. Accordingly this office paper asserts and proves this lac and a half to have been given, in addition to the other proofs. Then Munny Begum herself is inquired of. There is a commission appointed to go up to her residence; and the fact is proved to the satisfaction of Mr. Goring, the commissioner. The Begum had put a paper of accounts, through her son, into his hands, which shall be given at your Lordships' bar, in which she expressly said that she gave Mr. Hastings a lac and a half for entertainment. But Mr. Hastings objects to Mr. Goring's evidence upon this occasion. He wanted to supersede Mr. Goring in the inquiry; and he accordingly appoints, with the consent of the Council, two creatures of his own to go and assist in that inquiry. The question which he directs these commissioners to put to Munny Begum is this: — "Was the sum of money charged by you to be given to Mr. Hastings given under an idea of entertainment customary, or upon what other ground, or for what other

reason?" He also desires the following questions may be proposed to the Begum: — "Was any application made to you for the account which you have delivered of three lacs and a half of rupees said to have been paid to the Governor and Mr. Middleton? or did you deliver the account of your own free will, and unsolicited?" My Lords, you see that with regard to the whole three lacs and a half of rupees the Begum had given an account which tended to confirm the payment of them; but Mr. Hastings wanted to invalidate that account by supposing she gave it under restraint. The second question is, — "In what manner was the application made to you, and by whom?" But the principal question is this: — "On what account was the one lac and a half given to the Governor-General which you have laid to his account? Was it in consequence of any requisition from him, or of any previous agreement, or of any established usage?" When a man asks concerning a sum of money, charged to be given to him by another person, on what account it was given, he does indirectly admit that that money actually was paid, and wants to derive a justification from the mode of the payment of it; and accordingly that inference was drawn from the question so sent up, and it served as an instruction to Munny Begum; and her answer was, that it was given to him, as an ancient usage and custom, for an entertainment. So that the fact of the gift of the money is ascertained by the question put by Mr. Hastings to her, and her answer. And thus at last comes his accomplice in this business, and gives the fullest testimony to the lac and a half.

I must beg leave, before I go further, to state the

circumstances of the several witnesses examined upon this business. They were of two kinds: voluntary witnesses, and accomplices forced by inquiry and examination to discover their own guilt. Of the first kind were Nundcomar and Rajah Gourdas: these were the only two that can be said to be voluntary in the business, and who gave their information without much fear, though the last unwillingly, and with a full sense of the danger of doing it. The other was the evidence of his accomplice, Munny Begum, wrung from her by the force of truth, in which she confessed that she gave the lac and a half, and justifies it upon the ground of its being a customary entertainment. Besides this, there is the evidence of Chittendur, who was one of Mr. Hastings's instruments, and one of the Begum's servants. He, being prepared to confound the two lacs with the one lac and a half, says, upon his examination, that a lac and a half was given; but upon examining into the particulars of it, he proves that the sum he gave was two lacs, and not a lac and a half: for he says that there was a dispute about the other half lac; Nundcomar demanded interest, which the Begum was unwilling to allow, and consequently that half lac remained unpaid. Now this half lac can be no part of the lac and a half, which is admitted on all hands, and proved by the whole body of concurrent testimony, to have been given to Mr. Hastings in one lumping sum. When Chittendur endeavors to confound it with the lac and a half, he clearly establishes the fact that it was a parcel of the two lacs, and thus bears evidence, in attempting to prevaricate in favor of Mr. Hastings, that one lac and a half was paid, which Mr. Hastings is willing to allow; but when he enters into the

particulars of it, he proves by the subdivision of the payment, and by the non-payment of part of it, that it accords with the two lacs, and not with the lac and a half.

There are other circumstances in these accounts highly auxiliary to this evidence. The lac and a half was not only attested by Rajah Gourdas, by the Begum, by Chittendur, by the Begum again upon Mr. Hastings's own question, indirectly admitted by Mr. Hastings, proved by the orders for it to be written off to expense, (such a body of proof as perhaps never existed,) but there is one proof still remaining, namely, a paper, which was produced before the Committee, and which we shall produce to your Lordships. It is an authentic paper, delivered in favor of Mr. Hastings by Major Scott, who acted at that time as Mr. Hastings's agent, to a committee of the House of Commons, and authenticated to come from Munny Begum herself. All this body of evidence we mean to produce; and we shall prove, first, that he received the two lacs, — and, secondly, that he received one lac and a half under the name of entertainment. With regard to the lac and a half, Mr. Hastings is so far from controverting it, even indirectly, that he is obliged to establish it by testimonies produced by himself, in order to sink in that, if he can, the two lacs, which he thinks he is not able to justify, but which he fears will be proved against him. The lac and a half, I do believe, he will not be advised to contest; but whether he is or no, we shall load him with it, we shall prove it beyond all doubt. But there are other circumstances further auxiliary in this business, which, from the very attempts to conceal it, prove beyond doubt the fraudulent and wicked na-

ture of the transaction. In the account given by the Begum, a lac, which is for Mr. Hastings's entertainment, is entered in a suspicious neighborhood; for there is there entered a lac of rupees paid for the subahdarry sunnuds to the Mogul through the Rajah Shitab Roy. Upon looking into the account, and comparing it with another paper produced, the first thing we find is, that this woman charges the sum paid to be a sum due; and then she charges this one lac to have been paid when the Mogul was in the hands of the Mahrattas, when all communication with him was stopped, and when Rajah Shitab Roy, who is supposed to have paid it, was under confinement in the hands of Mr. Hastings. Thus she endeavors to conceal the lac of rupees paid to Mr. Hastings.

In order to make this transaction, which, though not in itself intricate, is in some degree made so by Mr. Hastings, clear to your Lordships, we pledge ourselves to give to your Lordships, what must be a great advantage to the culprit himself, a syllabus, the heads of all this charge, and of the proofs themselves, with their references, to show how far the proof goes to the two lacs, and then to the one lac and a half singly. This we shall put in writing, that you may not depend upon the fugitive memory of a thing not so well, perhaps, or powerfully expressed as it ought to be, and in order to give every advantage to the defendant, and to give every facility to your Lordships' judgment: and this will, I believe, be thought a clear and fair way of proceeding. Your Lordships will then judge whether Mr. Hastings's conduct at the time, his resisting an inquiry, preventing his servant appearing as an evidence, discountenancing and discouraging his colleagues, raising every obstruction to

the prosecution, dissolving the Council, preventing evidence and destroying it as far as lay in his power by collateral means, be not also such presumptive proofs as give double force to all the positive proof we produce against him.

The lac and a half, I know, he means to support upon the custom of entertainment; and your Lordships will judge whether or not a man who was ordered and had covenanted never to take more than 400*l.* could take 16,000*l.* under color of an entertainment. That which he intends to produce as a justification we charge, and your Lordships and the world will think, to be the heaviest aggravation of his crime. And after explaining to your Lordships the circumstances under which this justification is made, and leaving a just impression of them upon your minds, I shall beg your Lordships' indulgence to finish this member of the business to-morrow.

It is stated and entered in the account, that an entertainment was provided for Mr. Hastings at the rate of 200*l.* a day. He stayed at Moorshedabad for near three months; and thus you see that visits from Mr. Hastings are pretty expensive things: it is at the rate of 73,000*l.* a year for his entertainment. We find that Mr. Middleton, an English gentleman who was with him, received likewise (whether under the same pretence I know not, and it does not signify) another sum equal to it; and if these two gentlemen had stayed in that country a year, their several allowances would have been 146,000*l.* out of the Nabob's allowance of 160,000*l.* a year: they would have eat up nearly the whole of it. And do you wonder, my Lords, that such guests and such hosts are difficult to be divided? Do you wonder that such visits, when

so well paid for and well provided for, were naturally long? There is hardly a prince in Europe who would give to another prince of Europe from his royal hospitality what was given upon this occasion to Mr. Hastings.

Let us now see what was Mr. Hastings's business during this long protracted visit. First, he tells you that he came there to reduce all the state and dignity of the Nabob. He tells you that he felt no compunction in reducing that state; that the elephants, the menagerie, the stables, all went without mercy, and consequently all the persons concerned in them were dismissed also. When he came to the abolition of the pensions, he says, — "I proceeded with great pain, from the reflection that I was the instrument in depriving whole families, all at once, of their bread, and reducing them to a state of penury: convinced of the necessity of the measure, I endeavored to execute it with great impartiality." Here he states the work he was employed in, when he took this two hundred pounds a day for his own pay. "It was necessary to begin with reforming the useless servants of the court, and retrenching the idle parade of elephants, menageries, &c., which loaded the civil list. This cost little regret in performing; but the Resident, who took upon himself the chief share in this business, acknowledges that he suffered considerably in his feelings, when he came to touch on the pension list. Some hundreds of persons of the ancient nobility of the country, excluded, under our government, from almost all employments, civil or military, had, ever since the revolution, depended on the bounty of the Nabob; and near ten lacs were bestowed that way. It is not that the distribution was always made with

judgment or impartial, and much room was left for a reform; but when the question was to cut off entirely the greatest part, it could not fail to be accompanied with circumstances of real distress. The Resident declares, that, even with some of the highest rank, he could not avoid discovering, under all the pride of Eastern manners, the manifest marks of penury and want. There was, however, no room left for hesitation: to confine the Nabob's expenses within the limited sum, it was necessary that pensions should be set aside."

Here, my Lords, is a man sent to execute one of the most dreadful offices that was ever executed by man, — to cut off, as he says himself, with a bleeding heart, the only remaining allowance made for hundreds of the decayed nobility and gentry of a great kingdom, driven by our government from the offices upon which they existed. In this moment of anxiety and affliction, when he says he felt pain and was cut to the heart to do it, — at this very moment, when he was turning over fourteen hundred of the ancient nobility and gentry of this country to downright want of bread, — just at that moment, while he was doing this act, and feeling this act in this manner, from the collected morsels forced from the mouths of that indigent and famished nobility he gorged his own ravenous maw with an allowance of two hundred pounds a day for his entertainment. As we see him in this business, this man is unlike any other: he is also never corrupt but he is cruel; he never dines without creating a famine; he does not take from the loose superfluity of standing greatness, but falls upon the indigent, the oppressed, and ruined; he takes to himself double what would maintain them. His is unlike the gen-

erous rapacity of the noble eagle, who preys upon a living, struggling, reluctant, equal victim; his is like that of the ravenous vulture, who falls upon the decayed, the sickly, the dying, and the dead, and only anticipates Nature in the destruction of its object. His cruelty is beyond his corruption: but there is something in his hypocrisy which is more terrible than his cruelty; for, at the very time when with double and unsparing hands he executes a proscription, and sweeps off the food of hundreds of the nobility and gentry of a great country, his eyes overflow with tears, and he turns the precious balm that bleeds from wounded humanity, and is its best medicine, into fatal, rancorous, mortal poison to the human race.

You have seen, that, when he takes two hundred pounds a day for his entertainment, he tells you that in this very act he is starving fourteen hundred of the ancient nobility and gentry. My Lords, you have the blood of nobles, — if not, you have the blood of men in your veins: you feel as nobles, you feel as men. What would you say to a cruel Mogul exactor, by whom after having been driven from your estates, driven from the noble offices, civil and military, which you hold, driven from your bishoprics, driven from your places at court, driven from your offices as judges, and, after having been reduced to a miserable flock of pensioners, your very pensions were at last wrested from your mouths, and who, though at the very time when those pensions were wrested from you he declares them to have been the only bread of a miserable decayed nobility, takes himself two hundred pounds a day for his entertainment, and continues it till it amounts to sixteen thousand pounds? I

do think, that, of all the corruptions which he has not owned, but has not denied, or of those which he does in effect own, and of which he brings forward the evidence himself, the taking and claiming under color of an entertainment is ten times the most nefarious.

I shall this day only further trouble your Lordships to observe that he has never directly denied this transaction. I have tumbled over the records, I have looked at every part, to see whether he denies it. He did not deny it at the time, he did not deny it to the Court of Directors: on the contrary, he did in effect acknowledge it, when, without directly acknowledging it, he promised them a full and liberal explanation of the whole transaction. He never did give that explanation. Parliament took up the business; this matter was reported at the end of the Eleventh Report; but though the House of Commons had thus reported it, and made that public which before was upon the Company's records, he took no notice of it. Then another occasion arises: he comes before the House of Commons; he knows he is about to be prosecuted for these very corruptions; he well knows these charges exist against him; he makes his defence (if he will allow it to be his defence); but, though thus driven, he did not there deny it, because he knew, that, if he had denied it, it could be proved against him. I desire your Lordships will look at that paper which we have given in evidence, and see if you find a word of denial of it: there is much discourse, much folly, much insolence, but not one word of denial. Then, at last, it came before this tribunal against him. I desire to refer your Lordships to that part of his defence to the article in which this bribe is specifically charged: he does not deny it there; the

only thing which looks like a denial is one sweeping clause inserted, (in order to put us upon the proof,) that all the charges are to be conceived as denied; but a specific denial to this specific charge in no stage of the business, from beginning to end, has he once made.

And therefore here I close that part of the charge which relates to the business of Nundcomar. Your Lordships will see such a body of presumptive proof and positive proof as never was given yet of any secret corrupt act of bribery; and there I leave it with your Lordships' justice. I beg pardon for having detained you so long; but your Lordships will be so good as to observe that no business ever was covered with more folds of iniquitous artifice than this which is now brought before you.

SPEECH

ON

THE SIXTH ARTICLE OF CHARGE.

SECOND DAY: SATURDAY, APRIL 25, 1789.

MY LORDS, — When I last had the honor of addressing your Lordships, I endeavored to state with as much perspicuity as the nature of an intricate affair would admit, and as largely as in so intricate an affair was consistent with the brevity which I endeavored to preserve, the proofs which had been adduced against Warren Hastings upon an inquiry instituted by an order of the Court of Directors into the corruption and peculation of persons in authority in India. My Lords, I have endeavored to show you by anterior presumptive proofs, drawn from the nature and circumstances of the acts themselves inferring guilt, that such actions and such conduct could be referable only to one cause, namely, *corruption;* I endeavored to show you afterwards, my Lords, what the specific nature and extent of the corruption was, as far as it could be fully proved; and lastly, the great satisfactory presumption which attended the inquiry with regard to Mr. Hastings, — namely, that, contrary to law, contrary to his duty, contrary to what is owed by innocence to itself, Mr. Hastings resisted that inquiry, and employed all the power of his office to prevent the exercise of it, either in himself or in others. These presumptions and these proofs

will be brought before your Lordships, distinctly and in order, at the end of this opening.

The next point on which I thought it necessary to proceed was relative to the presumptions which his subsequent conduct gave with regard to his guilt: because, my Lords, his uniform tenor of conduct, such as must attend guilt, both in the act, at the time of the inquiry, and subsequent to it, will form such a body of satisfactory evidence as I believe the human mind is not made to resist.

My Lords, there is another reason why I choose to enter into the presumptions drawn from his conduct and the fact, taking his conduct in two parts, if it may be so expressed, *omission* and *commission*, in order that your Lordships should more fully enter into the consequences of this system of bribery. But before I say anything upon that, I wish your Lordships to be apprised, that the Commons, in bringing this bribe of three lac and a half before your Lordships, do not wish by any means to have it understood that this is the whole of the bribe that was received by Mr. Hastings in consequence of delivering up the whole management of the government of the country to that improper person whom he nominated for it. My Lords, from the proofs that will be adduced before you, there is great probability that he received very nearly a hundred thousand pounds; there is positive proof of his receiving fifty; and we have chosen only to charge him with that of which there is such an accumulated body of proof as to leave no doubt upon the minds of your Lordships. All this I say, because we are perfectly apprised of the sentiments of the public upon this point: when they hear of the enormity of Indian peculation, when they see

the acts done, and compare them with the bribes received, the acts seem so enormous and the bribes comparatively so small, that they can hardly be got to attribute them to that motive. What I mean to state is this: that, from a collective view of the subject, your Lordships will be able to judge that enormous offences have been committed, and that the bribe which we have given in proof is a specimen of the nature and extent of those enormous bribes which extend to much greater sums than we are able to prove before you in the manner your Lordships would like and expect.

I have already remarked to your Lordships, that, after this charge was brought and recorded before the Council in spite of the resistance made by Mr. Hastings, in which he employed all the power and authority of his station, and the whole body of his partisans and associates in iniquity, dispersed through every part of these provinces, — after he had taken all these steps, finding himself pressed by the proof and pressed by the presumption of his resistance to the inquiry, he did think it necessary to make something like a defence. Accordingly he has made what he calls a justification, which did not consist in the denial of that fact, or any explanation of it. The mode he took for his defence was abuse of his colleagues, abuse of the witnesses, and of every person who in the execution of his duty was inquiring into the fact, and charging them with things which, if true, were by no means sufficient to support him, either in defending the acts themselves, or in the criminal means he used to prevent inquiry into them. His design was to mislead their minds, and to carry them from the accusation and the proof of it. With

respect to the passion, violence, and intemperate heat with which he charged them, they were proceeding in an orderly, regular manner; and if on any occasion they seem to break out into warmth, it was in consequence of that resistance which he made to them, in what your Lordships, I believe, will agree with them in thinking was one of the most important parts of their functions. If they had been intemperate in their conduct, if they had been violent, passionate, prejudiced against him, it afforded him only a better means of making his defence; because, though in a rational and judicious mind the intemperate conduct of the accuser certainly proves nothing with regard to the truth or falsehood of his accusation, yet we do know that the minds of men are so constituted that an improper mode of conducting a right thing does form some degree of prejudice against it. Mr. Hastings, therefore, unable to defend himself upon principle, has resorted as much as he possibly could to prejudice. And at the same time that there is not one word of denial, or the least attempt at a refutation of the charge, he has loaded the records with all manner of minutes, proceedings, and letters relative to everything but the fact itself. The great aim of his policy, both then, before, and ever since, has been to divert the mind of the auditory, or the persons to whom he addressed himself, from the nature of his cause, to some collateral circumstance relative to it, — a policy to which he has always had recourse; but that trick, the last resource of despairing guilt, I trust will now completely fail him.

Mr. Hastings, however, began to be pretty sensible that this way of proceeding had a very unpromising and untoward look; for which reason he next declared

that he reserved his defence for fear of a legal prosecution, and that some time or other he would give a large and liberal explanation to the Court of Directors, to whom he was answerable for his conduct, of his refusing to suffer the inquiry to proceed, of his omitting to give them satisfaction at the time, of his omitting to take any one natural step that an innocent man would have taken upon such an occasion. Under this promise he has remained from that time to the time you see him at your bar, and he has neither denied, exculpated, explained, or apologized for his conduct in any one single instance.

While he accuses the intemperance of his adversaries, he shows a degree of temperance in himself which always attends guilt in despair: for struggling guilt may be warm, but guilt that is desperate has nothing to do but to submit to the consequences of it, to bear the infamy annexed to its situation, and to try to find some consolation in the effects of guilt with regard to private fortune for the scandal it brings them into in public reputation. After the business had ended in India, the causes why he should have given the explanation grew stronger and stronger: for not only the charges exhibited against him were weighty, but the manner in which he was called upon to inquire into them was such as would undoubtedly tend to stir the mind of a man of character, to rouse him to some consideration of himself, and to a sense of the necessity of his defence. He was goaded to make this defence by the words I shall read to your Lordships from Sir John Clavering.

"In the late proceedings of the Revenue Board it will appear that there is no species of peculation from which the Honorable Governor-General has thought

it reasonable to abstain." He further says, in answer to Mr. Hastings, "The malicious view with which this innuendo" (an innuendo of Mr. Hastings) "is thrown out is only worthy of a man who, having disgraced himself in the eyes of every man of honor both in Asia and in Europe, and having no imputation to lay to our charge, has dared to attempt in the dark what malice itself could not find grounds to aim at openly."

These are the charges which were made upon him, — not loosely, in the heat of conversation, but deliberately, in writing, entered upon record, and sent to his employers, the Court of Directors, those whom the law had set over him, and to whose judgment and opinion he was responsible. Do your Lordships believe that it was conscious innocence that made him endure such reproaches, so recorded, from his own colleague? Was it conscious innocence that made him abandon his defence, renounce his explanation, and bear all this calumny, (if it was calumny,) in such a manner, without making any one attempt to refute it? Your Lordships will see by this, and by other minutes with which the books are filled, that Mr. Hastings is charged quite to the brim with corruptions of all sorts, and covered with every mode of possible disgrace. For there is something so base and contemptible in the crimes of peculation and bribery, that, when they come to be urged home and strongly against a man, as here they are urged, nothing but a consciousness of guilt can possibly make a person so charged support himself under them. Mr. Hastings considered himself, as he has stated, to be under the necessity of bearing them. What is that necessity? Guilt. Could he say that Sir John Clavering (for I say noth-

ing now of Colonel Monson and Mr. Francis, who were joined with him) was a man weak and contemptible? I believe there are those among your Lordships who remember that Sir John Clavering was known before he went abroad, and better known by his conduct after, to be a man of the most distinguished honor that ever served his Majesty; he served his Majesty in a military situation for many years, and afterwards in that high civil situation in India. It is known that through every step and gradation of a high military service, until he arrived at the highest of all, there never was the least blot upon him, or doubt or suspicion of his character; that his temper for the most part, and his manners, were fully answerable to his virtues, and a noble ornament to them; that he was one of the best natured, best bred men, as well as one of the highest principled men to be found in his Majesty's service; that he had passed the middle time of life, and come to an age which makes men wise in general; so that he could be warmed by nothing but that noble indignation at guilt which is the last thing that ever was or will be extinguished in a virtuous mind. He was a man whose voice was not to be despised; but if his character had been personally as contemptible as it was meritorious and honorable in every respect, yet his situation as a commissioner named by an act of Parliament for the express purpose of reforming India gave him a weight and consequence that could not suffer Mr. Hastings, without a general and strong presumption of his guilt, to acquiesce in such recorded minutes from him. But if he had been a weak, if he had been an intemperate man, (in reality he was as cool, steady, temperate, judicious a man as ever was born,) the

Court of Directors, to whom Mr. Hastings was responsible by every tie and every principle, and was made responsible at last by a positive act of Parliament obliging him to yield obedience to their commands as the general rule of his duty, — the Court of Directors, I say, perfectly approved of every part of General Clavering's, Colonel Monson's, and Mr. Francis's conduct; they approved of this inquiry which Mr. Hastings rejected; and they have declared, "that the powers and instructions vested in and given to General Clavering and the other gentlemen were such as fully authorized them in every inquiry that seems to have been their object . . . . . Europeans." *

Now after the supreme authority, to which they were to appeal in all their disputes, had passed this judgment upon this very inquiry, the matter no longer depended upon Mr. Hastings's opinion; nor could he be longer justified in attributing that to evil motives either of malice or passion in his colleagues. When the judges who were finally to determine who was malicious, who was passionate, who was or was not justified either in setting on foot the inquiry or resisting it, had passed that judgment, then Mr. Hastings was called upon by all the feelings of a man, and by his duty in Council, to give satisfaction to his masters, the Directors, who approved of the zeal and diligence shown in that very inquiry, the passion of which he only reprobated, and upon which he grounded his justification.

If anything but conscious guilt could have possibly influenced him to such more than patience under this

* Document wanting.

accusation, let us see what was his conduct when the scene was changed. General Clavering, fatigued and broken down by the miseries of his situation, soon afterwards lost a very able and affectionate colleague, Colonel Monson, (whom Mr. Hastings states to be one of the bitterest of his accusers,) a man one of the most loved and honored of his time, a person of your Lordships' noble blood, and a person who did honor to it, and if he had been of the family of a commoner, well deserved to be raised to your distinction. When that man died,—died of a broken heart, to say nothing else,—and General Clavering felt himself in a manner without help, except what he derived from the firmness, assiduity, and patience of Mr. Francis, sinking like himself under the exertion of his own virtues, he was resolved to resign his employment. The Court of Directors were so alarmed at this attempt of his to resign his employment, that they wrote thus: "When you conceived the design of quitting our service, we imagine you could not have heard of the resignation of Mr. Hastings . . . . . your zeal and ability."*

My Lords, in this struggle, and before he could resign finally, another kind of resignation, the resignation of Nature, took place, and Sir John Clavering died. The character that was given Sir John Clavering at that time is a seal to the whole of his proceedings, and the use that I shall make of it your Lordships will see presently. "The abilities of General Clavering, the comprehensive knowledge he had attained of our affairs . . . . . to the East India Company."†

* Document wanting. † Document wanting.

And never had it a greater loss. There is the concluding funeral oration made by his masters, upon a strict, though by no means partial, view of his conduct. My Lords, here is the man who is the great accuser of Mr. Hastings, as he says. What is he? a slight man, a man of mean situation, a man of mean talents, a man of mean character? No: of the highest character. Was he a person whose conduct was disapproved by their common superiors? No: it was approved when living, and ratified when dead. This was the man, a man equal to him in every respect, upon the supposed evil motives of whom alone was founded the sole justification of Mr. Hastings.

But be it, then, that Sir John Clavering, Colonel Monson, and Mr. Francis were all of them the evil-minded persons that he describes them to be, and that from dislike to them, from a kind of manly resentment, if you please, against such persons, an hatred against malicious proceedings, and a defiance of them, he did not think proper, as he states, to make his defence during that period of time, and while oppressed by that combination, — yet, when he got rid of the two former persons, and when Mr. Francis was nothing, when the whole majority was in his hand, and he was in full power, there was a large, open, full field for inquiry; and he was bound to re-institute that inquiry, and to clear his character before his judges and before his masters. Mr. Hastings says, "No: they have threatened me with a prosecution, and I reserve myself for a court of justice."

Mr. Hastings has now at length taken a ground, as you will see from all his writings, which makes all explanation of his conduct in this business absolutely impossible. For, in the first place, he says, "As a

prosecution is meditated against me, I will say nothing in explanation of my conduct, because I might disclose my defence, and by that means do myself a prejudice." On the other hand, when the prosecution is dropped, as we all know it was dropped in this case, then he has a direct contrary reason, but it serves him just as well: "Why, as no prosecution is intended, no defence need be made." So that, whether a prosecution is intended or a prosecution dropped, there is always cause why Mr. Hastings should not give the Court of Directors the least satisfaction concerning his conduct, notwithstanding, as we shall prove, he has reiteratedly promised, and promised it in the most ample and liberal manner. But let us see if there be any presumption in his favor to rebut the presumption which he knew was irresistible, and which, by making no defence for his conduct, and stopping the inquiry, must necessarily lie upon him. He reserves his defence, but he promises both defence and explanation.

Your Lordships will remark that there is nowhere a clear and positive denial of the fact. Promising a defence, I will admit, does not directly and *ex vi termini* suppose that a man may not deny the fact, because it is just compatible with the defence; but it does by no means exclude the admission of the fact, because the admission of the fact may be attended with a justification: but when a man says that he will explain his conduct with regard to a fact, then he admits that fact, because there can be no explanation of a fact which has no existence. Therefore Mr. Hastings admits the fact by promising an explanation, and he shows he has no explanation nor justification to give by never having given it. Goaded,

provoked, and called upon for it, in the manner I have mentioned, he chooses to have a feast of disgrace, (if I may say so,) to have a riot of infamy, served up to him day by day for a course of years, in every species of reproach that could be given by his colleagues, and by the Court of Directors, "from whom," he says, "I received nothing but opprobrious and disgraceful epithets," and he says "that his predecessors possessed more of their confidence than he had." Yet for years he lay down in that sty of disgrace, fattening in it, feeding upon that offal of disgrace and excrement, upon everything that could be disgustful to the human mind, rather than deny the fact and put himself upon a civil justification. Infamy was never incurred for nothing. We know very well what was said formerly: —

> "Populus me sibilat; at mihi plaudo
> Ipse domi, simul ac nummos contemplor in arca."

And never did a man submit to infamy for anything but its true reward, *money*. Money he received; the infamy he received along with it: he was glad to take his wife with all her goods; he took her with her full portion, with every species of infamy that belonged to her; and your Lordships cannot resist the opinion that he would not have suffered himself to be disgraced with the Court of Directors, disgraced with his colleagues, disgraced with the world, disgraced upon an eternal record, unless he was absolutely guilty of the fact that was charged upon him.

He frequently expresses that he reserves himself for a court of justice. Does he, my Lords? I am sorry that Mr. Hastings should show that he always mistakes his situation; he has totally mistaken it:

he was a servant, bound to give a satisfactory account of his conduct to his masters, and, instead of that, he considers himself and the Court of Directors as litigant parties, — them as the accusers, and himself as the culprit. What would your Lordships, in private life, conceive of a steward who was accused of embezzling the rents, robbing and oppressing the tenants, and committing a thousand misdeeds in his stewardship, and who, upon your wishing to make inquiry into his conduct, and asking an explanation of it, should answer, "I will give no reply: you may intend to prosecute me and convict me as a cheat, and therefore I will not give you any satisfaction": what would you think of that steward? You could have no doubt that such a steward was a person not fit to be a steward, nor fit to live.

Mr. Hastings reserves himself for a court of justice: that single circumstance, my Lords, proves that he was guilty. It may appear very odd that his guilt should be inferred from his desire of trial in a court in which he could be acquitted or condemned. But I shall prove to you from that circumstance that Mr. Hastings, in desiring to be tried in a court of justice, convicts himself of presumptive guilt.

When Mr. Hastings went to Bengal in the year 1772, he had a direction exactly similar to this which he has resisted in his own case: it was to inquire into grievances and abuses. In consequence of this direction, he proposes a plan for the regulation of the Company's service, and one part of that plan was just what you would expect from him, — that is, the power of destroying every Company's servant without the least possibility of his being heard in his own defence

or taking any one step to justify himself, and of dismissing him at his own discretion: and the reason he gives for it is this. "I shall forbear to comment upon the above propositions: if just and proper, their utility will be self-apparent. One clause only in the last article may require some explanation, namely, the power proposed for the Governor of recalling any person from his station without assigning a reason for it. In the charge of oppression," (now here you will find the reason why Mr. Hastings wishes to appeal to a court of justice, rather than to give satisfaction to his employers,) "though supported by the cries of the people and the most authentic representations, it is yet impossible in most cases to obtain legal proofs of it; and unless the discretionary power which I have recommended be somewhere lodged, the assurance of impunity from any formal inquiry will baffle every order of the board, as, on the other hand, the fear of the consequence will restrain every man within the bounds of his duty, if he knows himself liable to suffer by the effects of a single control." You see Mr. Hastings himself is of opinion that the cries of oppression, though extorted from a whole people by the iron hand of severity, — that these cries of a whole people, attended even with authentic documents sufficient to satisfy the mind of any man, may be totally insufficient to convict the oppressor in a court; and yet to that court, whose competence he denies, to that very court, he appeals, in that he puts his trust, and upon that ground he refuses to perform the just promise he had given of any explanation to those who had employed him.

Now I put this to your Lordships: if a man is of opinion that no public court can truly and properly

bring him to any account for his conduct, that the forms observable in courts are totally adverse to it, that there is a general incompetency with regard to such a court, and yet shuns a tribunal capable and competent, and applies to that which he thinks is incapable and incompetent, does not that man plainly show that he has rejected what he thinks will prove his guilt, and that he has chosen what he thinks will be utterly insufficient to prove it? And if this be the case, as he asserts it to be, with an under servant, think what must be the case of the upper servant of all: for, if an inferior servant is not to be brought to justice, what must be the situation of a Governor-General? It is impossible not to see, that, as he had conceived that a court of justice had not sufficient means to bring his crimes to light and detection, nor sufficient to bring him to proper and adequate punishment, therefore he flew to a court of justice, not as a place to decide upon him, but as a sanctuary to secure his guilt. Most of your Lordships have travelled abroad, and have seen in the unreformed countries of Europe churches filled with persons who take sanctuary in them. You do not presume that a man is innocent because he is in a sanctuary: you know, that, so far from demonstrating his innocence, it demonstrates his guilt. And in this case, Mr. Hastings flies not to a court for trial, but as a sanctuary to secure him from it.

Let us just review the whole of his conduct; let us hear how Mr. Hastings has proceeded with regard to this whole affair. The court of justice dropped; the prosecution in Bengal ended. With Sir Elijah Impey as chief-justice, who, as your Lordships have seen, had a most close and honorable connection

with the Governor-General, (all the circumstances of which I need not detail to you, as it must be fresh in your Lordships' memory,) he had not much to fear from the impartiality of the court. He might be sure the forms of law would not be strained to do him mischief; therefore there was no great terror in it. But whatever terror there might be in it was overblown, because his colleagues refused to carry him into it, and therefore that opportunity of defence is gone. In Europe he was afraid of making any defence, but the prosecution here was also soon over; and in the House of Commons he takes this ground of justification for not giving any explanation, that the Court of Directors had received perfect satisfaction of his innocence; and he named persons of great and eminent character in the profession, whose names certainly cannot be mentioned without highly imposing upon the prejudices and weighing down almost the reason of mankind. He quotes their opinions in his favor, and argues that the exculpation which they give, or are supposed to give him, should excuse him from any further explanation.

My Lords, I believe I need not say to great men of the profession, many of the first ornaments of which I see before me, that they are very little influenced in the seat of judgment by the opinions which they have given in the chamber, and they are perfectly in the right: because while in the chamber they hear but one part of the cause; it is generally brought before them in a very partial manner, and they have not the lights which they possess when they sit deliberately down upon the tribunal to examine into it; and for this reason they discharge their minds from every prejudice that may have arisen from a foregone

partial opinion, and come uninfluenced by it as to a new cause. This, we know, is the glory of the great lawyers who have presided and do preside in the tribunals of this country; but we know, at the same time, that those opinions (which they in their own mind reject, unless supported afterwards by clear and authentic testimony) do weigh upon the rest of mankind at least: for it is impossible to separate the opinion of a great and learned man from some consideration of the person who has delivered that opinion.

Mr. Hastings, being conscious of this, and not fearing the tribunal abroad for the reason that I gave you, namely, his belief that it was not very adverse to him, and also knowing that the prosecution there was dropped, had but one thing left for his consideration, which was, how he should conflict with the tribunal at home: and as the prosecution must originate from the Court of Directors, and be authorized by some great law opinions, the great point with him was, some way or other, by his party, I will not say by what means or circumstances, but by some party means, to secure a strong interest in the executive part of the India House. My Lords, was that interest used properly and fairly? I will not say that friendship and partiality imply injustice; they certainly do not; but they do not imply justice. The Court of Directors took up this affair with great warmth; they committed it to their solicitor, and the solicitor would naturally (as most solicitors do) draw up a case a little favorably for the persons that employed him; and if there was any leaning, which upon my word I do not approve in the management of any cause whatever, yet, if there was a leaning, it must be a leaning for the client.

Now the counsel did not give a decided opinion against the prosecution, but upon the face of the case they expressed great doubts upon it; for, with such a strange, disorderly, imperfect, and confused case as was laid before them, they could not advise a prosecution; and in my opinion they went no further. And, indeed, upon that case that went before them, I, who am authorized by the Commons to prosecute, do admit that a great doubt might lie upon the most deciding mind, whether, under the circumstances there stated, a prosecution could be or ought to be pursued. I do not say which way my mind would have turned, upon that very imperfect state of the case; but I still allow so much to their very great ability, great minds, and sound judgment, that I am not sure, if it was *res integra*, I would not have rather hesitated myself (who am now here an accuser) what judgment to give.

It does happen that there are very singular circumstances in this business, to which your Lordships will advert; and you will consider what weight they ought to have upon your Lordships' minds. The person who is now the solicitor of the Company is a very respectable man in the profession, — Mr. Smith; he was at that time also the Company's solicitor, and he has since appeared in this cause as Mr. Hastings's solicitor. Now there is something particular in a man's being the solicitor to a party who was prosecuting another, and continuing afterwards in his office, and becoming the solicitor to the party prosecuted. It would be nearly as strange as if our solicitor were to be the solicitor of Mr. Hastings in this prosecution and trial before your Lordships. It is true, that we cannot make out, nor do we attempt to

prove, that Mr. Smith was at that time actually Mr. Hastings's solicitor: all that we shall attempt to make out is, that the case he produced was just such a case as a solicitor anxious for the preservation of his client, and not anxious for the prosecution, would have made out.

My Lords, I have next to remark, that the opinion which the counsel gave in this case, namely, a very doubtful opinion, accompanied with strong censure of the manner in which the case was stated, was drawn from them by a case in which I charge that there were *misrepresentation*, *suppression*, and *falsification*.

Now, my Lords, in making this charge I am in a very awkward and unpleasant situation; but it is a situation in which, with all the disagreeable circumstances attending it, I must proceed. I am, in this business, obliged to name many men: I do not name them wantonly, but from the absolute necessity, as your Lordships will see, of the case. I do not mean to reflect upon this gentleman: I believe, at the time when he made this case, and especially the article which I state as a *falsification*, he must have trusted to some of the servants of the Company, who were but young in their service at that time. There was a very great error committed; but by whom, or how, your Lordships in the course of this inquiry will find. What I charge first is, that the case was improperly stated; secondly, that it was partially stated; and that afterwards a further report was made upon reference to the same officer in the committee. Now, my Lords, of the three charges which I have made, the two former, namely, the misrepresentation and suppression, were applicable to the case; but all the three, misrepresentation, suppression, and falsification, were applicable to the report.

This I say in vindication of the opinions given, and for the satisfaction of the public, who may be imposed upon by them. I wish the word to be understood. When I say *imposed*, I always mean by it the weight and authority carried: a meaning which this word, perhaps, has not got yet thoroughly in the English language; but in a neighboring language *imposing* means, that it weighs upon men's minds with a sovereign authority. To say that the opinions of learned men, though even thus obtained, may not have weight with this court, or with any court, is a kind of compliment I cannot pay to them at the expense of that common nature in which I and all human beings are involved.

He states in the case the covenants and the salary of Mr. Hastings, and his emoluments, very fairly. I do not object to any part of that. He then proceeds to state very partially the business upon which the Committee of Circuit went, and without opening whose conduct we cannot fully bring before you this charge of bribery. He then states, "that, an inquiry having been made by the present Supreme Council of Bengal respecting the conduct of the members of the last administration, several charges have been made, stating moneys very improperly received by Mr. Hastings during the time of the late administration: amongst these is one of his having received 150,000 rupees of Munny Begum, the guardian of the Nabob, who is an infant."

In this statement of the case everything is put out of its true place. Mr. Hastings was not charged with receiving a lac and a half of rupees from Munny Begum, the guardian of the Nabob, — for she was not then his guardian; but he was charged with

receiving a lac and a half of rupees for removing the Nabob's own mother, who was his natural guardian, and substituting this step-mother, who was a prostitute, in her place; whereas here it supposes he found her a guardian, and that she had made him a present, which alters the whole nature of the case. The case, in the recital of the charge, sets out with what every one of your Lordships knows now not to be the truth of the fact, nor the thing that in itself implies the criminality: he ought to have stated that in the beginning of the business. The suppressions in the recital are amazing. He states an inquiry having been made by the Supreme Council of Bengal respecting the conduct of the members of the last administration. That inquiry was made in consequence of the charge, and not the charge brought forward, as they would have it believed, in consequence of the inquiry. There is no mention that that inquiry had been expressly ordered by the Court of Directors; but it is stated as though it was a voluntary inquiry. Now there is always something doubtful in voluntary inquiries with regard to the people concerned. He then supposes, upon this inquiry, that to be the charge which is not the charge at all. The crime, as I have stated, consisted of two distinct parts, but both inferring the same corruption: the first, two lac of rupees taken expressly for the nomination of this woman to this place; and the other, one lac and a half of rupees, in effect for the same purpose, but under the name and color of an entertainment. The drawer of the case, finding that in the one case, namely, the two lac of rupees, the evidence was more weak, but that no justification could be set up, — finding in the other, the lac

and a half of rupees, the proof strong and not to be resisted, but that some justification was to be found for it, lays aside the charge of the two lac totally; and the evidence belonging to it, which was considered as rather weak, is applied to the other charge of a lac and a half, the proof of which upon its own evidence was irresistible.

My speech I hope your Lordships consider as only pointing out to your attention these particulars. Your Lordships will see it exemplified throughout the whole, that, when there is evidence (for some evidence is brought) that does belong to the lac and a half, it is entirely passed by, the most material circumstances are weakened, the whole strength and force of them taken away. Every one knows how true it is of evidence, *juncta juvant:* but here everything is broken and smashed to pieces, and nothing but disorder appears through the whole. For your Lordships will observe that the proof that belongs to one thing is put as belonging to another, and the proof of the other brought in a weak and imperfect manner in the rear of the first, and with every kind of observation to rebut and weaken it; and when this evidence is produced, which appears inapplicable almost in all the parts, in many doubtful, confused, and perplexed, and in some even contradictory, (which it will be when the evidence to one thing is brought to apply and bear upon another,) good hopes were entertained in consequence that that would happen which in part did happen, namely, that the counsel, distracted and confused, and finding no satisfaction in the case, could not advise a prosecution.

But what is still more material and weighty, many

particulars are suppressed in this case, and still more in the report; and turning from the case to the proceedings of the persons who are supposed to have the management of the inquiry, they bring forward, as an appendix to this case, Mr. Hastings's own invectives and charge against these persons, at the very same time that they suppress and do not bring forward, either in the charge or upon the report, what the other party have said in their own justification. The consequence of this management was, that a body of evidence which would have made this case the clearest in the world, and which I hope we shall make to appear so to your Lordships, was rendered for the most part inapplicable, and the whole puzzled and confused: I say, for the most part, for some parts did apply, but miserably applied, to the case. From their own state of the case they would have it inferred that the fault was not in their way of representing it, but in the infirmity, confusion, and disorder of the proofs themselves; but this, I trust we shall satisfy you, is by no means the case. I rest, however, upon the proof of partiality in this business, of the imposition upon the counsel, whether designed or not, and of the bias given by adding an appendix with Mr. Hastings's own remarks upon the case, without giving the reasons of the other parties for their conduct. Now, if there was nothing else than the fallacious recital, and afterwards the suppression, I believe any rational and sober man would see perfect, good, and sufficient ground for laying aside any authority that can be derived from the opinions of persons, though of the first character (and I am sure no man living does more homage to their learning, impartiality, and understanding than

I do): first, because the statement of the case has thrown the whole into confusion; and secondly, as to the matter added as an appendix, which gives the representation of the delinquent and omits the representation of his prosecutors, it is observed very properly and very wisely by one of the great men before whom this evidence was laid, that "the evidence, as it is here stated, is still more defective, if the appendix is adopted by the Directors and meant to make a part of the case; for that throws discredit upon all the information so collected." Certainly it does; for, if the delinquent party, who is to be prosecuted, be heard with his own representation of the case, and that of his prosecutors be suppressed, he is master both of the lawyers and of the mind of mankind.

My Lords, I have here attempted to point out the extreme inconsistencies and defects of this proceeding; and I wish your Lordships to consider, with respect to these proceedings of the India House in their prosecutions, that it is in the power of some of their officers to make statements in the manner that I have described, then to obtain the names of great lawyers, and under their sanction to carry the accused through the world as acquitted.

These are the material circumstances which will be submitted to your Lordships' sober consideration in the course of this inquiry. I have now stated them on these two accounts: first, to rebut the reason which Mr. Hastings has assigned for not giving any satisfaction to the Court of Directors, namely, because they did not want it, having dropped a prosecution upon great authorities and opinions; and next, to show your Lordships how a business begun

in bribery is to be supported only by fraud, deceit, and collusion, and how the receiving of bribes by a Governor-General of Bengal tends to taint the whole service from beginning to end, both at home and abroad.

But though upon the partial case that was presented to them these great lawyers did not advise a prosecution, and though even upon a full representation of a case a lawyer might think that a man ought not to be prosecuted, yet he may consider him to be the vilest man upon earth. We know men are acquitted in the great tribunals in which several Lords of this country have presided, and who perhaps ought not to have been brought there and prosecuted before them, and yet about whose delinquency there could be no doubt. But though we have here sufficient reason to justify the great lawyers whose names and authorities are produced, yet Mr. Hastings has extended that authority beyond the length of their opinions. For, being no longer under the terror of the law, which, he said, restrained him from making his defence, he was then bound to give that satisfaction to his masters and the world which every man in honor is bound to do, when a grave accusation is brought against him. But this business of the law I wish to sleep from this moment, till the time when it shall come before you; though I suspect, and have had reason (sitting in committees in the House of Commons) to believe, that there was in the India House a bond of iniquity, somewhere or other, which was able to impose in the first instance upon the solicitor, the guilt of which, being of another nature, I shall state hereafter, that your Lordships may be able to discover through

whose means and whose fraud Mr. Hastings obtained these opinions.

If, however, all the great lawyers had been unanimous upon that occasion, still it would have been necessary for Mr. Hastings to say, "I cannot, according to my opinion, be brought to give an account in a court of justice, and I have got great lawyers to declare, that, upon the case laid before them, they cannot advise a prosecution; but now is the time for me to come forward, and, being no longer in fear that my defence may be turned against me, I will produce my defence for the satisfaction of my masters and the vindication of my own character." But besides this doubtful opinion (for I believe your Lordships will find it no better than a doubtful opinion) given by persons for whom I have the highest honor, and given with a strong censure upon the state of the case, there were also some great lawyers, men of great authority in the kingdom, who gave a full and decided opinion that a prosecution ought to be instituted against him; but the Court of Directors decided otherwise, they overruled those opinions, and acted upon the opinions in favor of Mr. Hastings. When, therefore, he knew that the great men in the law were divided upon the propriety of a prosecution, but that the Directors had decided in his favor, he was the more strongly bound to enter into a justification of his conduct.

But there was another great reason which should have induced him to do this. One great lawyer, known to many of your Lordships, Mr. Sayer, a very honest, intelligent man, who had long served the Company and well knew their affairs, had given an opinion concerning Mr. Hastings's conduct in stopping

these prosecutions. There was an abstract question put to Mr. Sayer, and other great lawyers, separated from many of the circumstances of this business, concerning a point which incidentally arose; and this was, whether Mr. Hastings, as Governor-General, had a power so to dissolve the Council, that, if he declared it dissolved, they could not sit and do any legal and regular act. It was a great question with the lawyers at the time, and there was a difference of opinion on it. Mr. Sayer was one of those who were inclined to be of opinion that the Governor-General had a power of dissolving the Council, and that the Council could not legally sit after such dissolution. But what was his remark upon Mr. Hastings's conduct? — and you must suppose his remark of more weight, because, upon the abstract question, he had given his opinion in favor of Mr. Hastings's judgment. "The meeting of the Council depends on the pleasure of the Governor; and I think the duration of it must do so, too. But it was as great a crime to dissolve the Council upon base and sinister motives as it would be to assume the power of dissolving, if he had it not. I believe he is the first Governor that ever dissolved a Council inquiring into his behavior, when he was innocent. Before he could summon three Councils and dissolve them, he had time fully to consider what would be the result of such conduct, *to convince everybody, beyond a doubt, of his conscious guilt.*"

Mr. Sayer, then, among other learned people, (and if he had not been the man that I have described, yet, from his intimate connection with the Company, his opinion must be supposed to have great weight,) having used expressions as strong as the persons who have ever criminated Mr. Hastings most for the worst

of his crimes have ever used to qualify and describe them, and having ascribed his conduct to base and sinister motives, he was bound upon that occasion to justify that strong conduct, allowed to be legal, and charged at the same time to be violent. Mr. Hastings was obliged then to produce something in his justification. He never did. Therefore, for all the reasons assigned by himself, drawn from the circumstances of prosecution and non-prosecution, and from opinions of lawyers and colleagues, the Court of Directors at the same time censuring his conduct, and strongly applauding the conduct of those who were adverse to him, Mr. Hastings was, I say, from those accumulated circumstances, bound to get rid of the infamy of a conduct which could be attributed to nothing but base and sinister motives, and which could have no effect but to convince men of his consciousness that he was guilty. From all these circumstances I infer that no man could have endured this load of infamy, and to this time have given no explanation of his conduct, unless for the reason which this learned counsel gives, and which your Lordships and the world will give, namely, his conscious guilt.

After leaving upon your minds that presumption, not to operate without proof, but to operate along with the proof, (though, I take it, there are some presumptions that go the full length of proof,) I shall not press it to the length to which I think it would go, but use it only as auxiliary, assisting, and compurgatory of all the other evidences that go along with it.

There is another circumstance which must come before your Lordships in this business. If you find that Mr. Hastings has received the two lac of rupees, then you will find that he was guilty, without color or

pretext of any kind whatever, of acting in violation of his covenant, of acting in violation of the laws, and all the rules of honor and conscience. If you find that he has taken the lac and a half, which he admits, but which he justifies under the pretence of an entertainment, I shall beg to say something to your Lordships concerning that justification.

The justification set up is, that he went up from Calcutta to Moorshedabad, and paid a visit of three months, and that there an allowance was made to him of two hundred pounds a day in lieu of an entertainment. Now, my Lords, I leave it to you to determine, if there was such a custom, whether or no his covenant justifies his conformity with it. I remember Lord Coke, talking of the Brehon law in Ireland, says it is no law, but a lewd custom. A governor is to conform himself to the laws of his own country, to the stipulations of those that employ him, and not to the lewd customs of any other country: those customs are more honored in the breach than in the observance. If Mr. Hastings was really feasted and entertained with the magnificence of the country, if there was an entertainment of dancing-girls brought out to amuse him in his leisure hours, if he was feasted with the hookah and every other luxury, there is something to be said for him, though I should not justify a Governor-General wasting his days in that manner. But in fact here was no entertainment that could amount to such a sum; and he has nowhere proved the existence of such a custom.

But if such a custom did exist, which I contend is more honored in the breach than in the observance, that custom is capable of being abused to the grossest extortion; and that it was so abused will strike your

Lordships' minds in such a manner that I hardly need detail the circumstances of it. What! two hundred pounds to be given to a man for one day's entertainment? If there is an end of it there, it ruins nobody, and cannot be supposed, to a great degree, to corrupt anybody; but when that entertainment is renewed day after day for three months, it is no longer a compliment to the man, but a great pecuniary advantage, and, on the other hand, to the person giving it, a grievous, an intolerable burden. It then becomes a matter of the most serious and dreadful extortion, tending to hinder the people who give it not only from giving entertainment, but from having bread to eat themselves. Therefore, if any such entertainment was customary, the custom was perverted by the abuse of its being continued for three months together. It was longer than Ahasuerus's feast. There is a feast of reason and a flow of soul; but Mr. Hastings's feast was a feast of avarice and a flow of money. No wonder he was unwilling to rise from such a table: he continued to sit at that table for three months.

In his covenant he is forbidden expressly to take any allowance above 400*l.*, and forbidden to take any allowance above 100*l.*, without the knowledge, consent, and approbation of the Council to which he belongs. Now he takes 16,000*l.*, not only without the consent of the Council, but without their knowledge, — without the knowledge of any other human being: it is kept hid in the darkest and most secret recesses of his own black agents and confidants, and those of Munny Begum. Why is it a secret? Hospitality, generosity, virtues of that kind, are full of display; there is an ostentation, a pomp, in them; they want to be shown to the world, not concealed.

The concealment of acts of charity is what makes them acceptable in the eyes of Him with regard to whom there can be no concealment; but acts of corruption are kept secret, not to keep them secret from the eye of Him, whom the person that observes the secrecy does not fear, nor perhaps believe in, but to keep them secret from the eyes of mankind, whose opinions he does fear, in the immediate effect of them, and in their future consequences. Therefore he had but one reason to keep this so dark and profound a secret, till it was dragged into day in spite of him; he had no reason to keep it a secret, but his knowing it was a proceeding that could not bear the light. Charity is the only virtue that I ever heard of that derives from its retirement any part of its lustre; the others require to be spread abroad in the face of day. Such candles should not be hid under a bushel, and, like the illuminations which men light up when they mean to express great joy and great magnificence for a great event, their very splendor is a part of their excellence. We upon our feasts light up this whole capital city; we in our feasts invite all the world to partake them. Mr. Hastings feasts in the dark; Mr. Hastings feasts alone; Mr. Hastings feasts like a wild beast; he growls in the corner over the dying and the dead, like the tigers of that country, who drag their prey into the jungles. Nobody knows of it, till he is brought into judgment for the flock he has destroyed. His is the entertainment of Tantalus; it is an entertainment from which the sun hid his light.

But was it an entertainment upon a visit? Was Mr. Hastings upon a visit? No: he was executing a commission for the Company in a village in the

neighborhood of Moorshedabad, and by no means upon a visit to the Nabob. On the contrary, he was upon something that might be more properly called a *visitation*. He came as a heavy calamity, like a famine or a pestilence on a country; he came there to do the severest act in the world, — as he himself expresses, to take the bread, literally the bread, from above a thousand of the nobles of the country, and to reduce them to a situation which no man can hear of without shuddering. When you consider, that, while he was thus entertained himself, he was famishing fourteen hundred of the nobility and gentry of the country, you will not conceive it to be any extenuation of his crimes, that he was there, not upon a visit, but upon a duty, the harshest that could be executed, both to the persons who executed and the people who suffered from it.

It is mentioned and supposed in the observations upon this case, though no circumstances relative to the persons or the nature of the visit are stated, that this expense was something which he might have charged to the Company and did not. It is first supposed by the learned counsel who made the observation, that it was a public, allowed, and acknowledged thing; then, that he had not charged the Company anything for it. I have looked into that business. In the first place, I see no such custom; and if there was such a custom, there was the most abusive misemployment of it. I find that in that year there was paid from the Company's cash account to the Governor's travelling charges (and he had no other journey at that end of the year) thirty thousand rupees, which is about 3,000*l.*; and when we consider that he was in the receipt of near

30,000*l.*, besides the nuzzers, which amount to several thousand a year, and that he is allowed 3,000*l.* by the Company for his travelling expenses, is it right to charge upon the miserable people whom he was defrauding of their bread 16,000*l.* for his entertainment?

I find that there are also other great sums relative to the expenses of the Committee of Circuit, which he was upon. How much of them is applicable to him I know not. I say, that the allowance of three thousand pounds was noble and liberal; for it is not above a day or two's journey to Moorshedabad, and by his taking his road by Kishenagur he could not be longer. He had a salary to live upon, and he must live somewhere; and he was actually paid three thousand pounds for travelling charges for three months, which was at the rate of twelve thousand pounds a year: a large and abundant sum.

If you once admit that a man for an entertainment shall take sixteen thousand pounds, there never will be any bribe, any corruption, that may not be justified: the corrupt man has nothing to do but to make a visit, and then that very moment he may receive any sum under the name of this entertainment; that moment his covenants are annulled, his bonds and obligations destroyed, the act of Parliament repealed, and it is no longer bribery, it is no longer corruption, it is no longer peculation; it is nothing but thanks for obliging inquiries, and a compliment according to the mode of the country, by which he makes his fortune.

What hinders him from renewing that visit? If you support this distinction, you will teach the Governor-General, instead of attending his business at

the capital, to make journeys through the country, putting every great man of that country under the most ruinous contributions; and as this custom is in no manner confined to the Governor-General, but extends, as it must upon that principle, to every servant of the Company in any station whatever, then, if each of them were to receive an entertainment, I will venture to say that the greatest ravage of an hostile army could not, indeed, destroy the country more entirely than the Company's servants by such visits.

Your Lordships will see that there are grounds for suspicion, not supported with the same evidence, but with evidence of great probability, that there was another entertainment given at the expense of another lac of rupees; and there is also great probability that Mr. Hastings received two lac of rupees, and Mr. Middleton another lac. The whole of the Nabob's revenues would have been exhausted by these two men, if they had stayed there a whole year: and they stayed three months. Nothing will be secured from the Company's servants, so long as they can find, under this name, or under pretence of any corrupt custom of the country, a vicious excuse for this corrupt practice. The excuse is worse than the thing itself. I leave it, then, with your judgment to decide whether you will or not, if this justification comes before you, establish a principle which would put all Bengal in a worse situation than an hostile army could do, and ruin all the Company's servants by sending them from their duty to go round robbing the whole country under the name of entertainments.

My Lords, I have now done with this first part, — namely, the presumption arising from his refusal to

make any defence, on pretence that the charge brought against him might be referred to a court of justice, and from the non-performance of his promise to give satisfaction to his employers, — and when that pretence was removed, still refusing to give that satisfaction, though suffering as he did under a load of infamy and obloquy, and though urged to give it by persons of the greatest character. I have stated this to your Lordships as the strongest presumption of guilt, and that this presumption is strengthened by the very excuse which he fabricated for a part of his bribes, when he knew that the proof of them was irresistible, and that this excuse is a high aggravation of his guilt, — that this excuse is not supported by law, that it is not supported by reason, that it does not stand with his covenant, but carries with it a manifest proof of corruption, and that it cannot be justified by any principle, custom, or usage whatever. My Lords, I say I have done with the presumption arising from his conduct as it regarded the fact specifically charged against him, and with respect to the relation he stood in to the Court of Directors, and from the attempt he made to justify that conduct. I believe your Lordships will think both one and the other strong presumptions of his criminality, and of his knowledge that the act he was doing was criminal.

I have another fact to lay before your Lordships, which affords a further presumption of his guilt, and which will show the mischievous consequences of it; and I trust your Lordships will not blame me for going a little into it. Your Lordships know we charge that the appointment of such a woman as Munny Begum to the guardianship of the Nabob, to the superintendency of the civil justice of the coun-

try, and to the representation of the whole government, was made for no other purpose than that through this corrupt woman sixteen thousand pounds a year, the whole tattered remains of the Nabob's grandeur, might be a prey to Mr. Hastings: it could be for no other. Now your Lordships would imagine, that, after this, knowing he was already grievously suspected, he would have abstained from giving any further ground for suspicion by a repetition of the same acts through the same person; as no other reason could be furnished for such acts, done directly contrary to the order of his superiors, but that he was actuated by the influence of bribery. Your Lordships would imagine, that, when this Munny Begum was removed upon a charge of corruption, Mr. Hastings would have left her quiet in tranquil obscurity, and that he would no longer have attempted to elevate her into a situation which furnished against himself so much disgrace and obloquy to himself, and concerning which he stood charged with a direct and positive act of bribery. Your Lordships well know, that, upon the deposition of that great magistrate, Mahomed Reza Khân, this woman was appointed to supply his place. The Governor-General and Council (the majority of them being then Sir John Clavering, Colonel Monson, and Mr. Francis) had made a provisional arrangement for the time, until they should be authorized to fill up the place in a proper manner. Soon after, there came from Europe a letter expressing the satisfaction which the Court of Directors had received in the acquittal of Mahomed Reza Khân, expressing a regard for his character, an high opinion of his abilities, and a great disposition to make him some recompense for his extreme suffer-

ings; and accordingly they ordered that he should be again employed. Having no exact ideas of the state of employments in that country, they made a mistake in the specific employment for which they named him; for, being a Mahometan, and the head of the Mahometans in that country, he was named to an office which must be held by a Gentoo. But the majority I have just named, who never endeavored by any base and delusive means to fly from their duty, or not to execute it at all, because they were desired to execute it in a way in which they could not execute it, followed the spirit of the order; and finding that Mahomed Reza Khân, before his imprisonment and trial, had been in possession of another employment, they followed the spirit of the instructions of the Directors and replaced him in that employment: by which means there was an end put to the government of Munny Begum, the country reverted to its natural state, and men of the first rank in the country were placed in the first situations in it. The seat of judicature was filled with wisdom, gravity, and learning, and Munny Begum sunk into that situation into which a woman who had been engaged in the practices that she had been engaged in naturally would sink at her time of life. Mr. Hastings resisted this appointment. He trifled with the Company's orders on account of the letter of them, and endeavored to disobey the spirit of them. However, the majority overbore him; they put Mahomed Reza Khân into his former situation; and as a proof and seal to the honor and virtue of their character, there was not a breath of suspicion that they had any corrupt motive for this conduct. They were odious to many of the India House here; they

were odious to that corrupt influence which had begun and was going on to ruin India; but in the face of all this odium, they gave the appointment to Mahomed Reza Khân, because the act contained in itself its own justification. Mr. Hastings made a violent protest against it, and resisted it to the best of his power, always in favor of Munny Begum, as your Lordships will see. Mr. Hastings sent this protest to the Directors; but the Directors, as soon as the case came before them, acknowledged their error, and praised the majority of the Council, Sir John Clavering, Colonel Monson, and Mr. Francis, for the wise and honorable part they had taken upon the occasion, by obeying the spirit and not the letter, — commended the act they had done, — confirmed Mahomed Reza Khân in his place, — and to prevent that great man from being any longer the sport of fortune, any longer the play of avarice between corrupt governors and dancing-girls, they gave him the pledged faith of the Company that he should remain in that office as long as his conduct deserved their protection: it was a good and an honorable tenure.

My Lords, soon afterwards there happened two lamentable deaths, — first of Colonel Monson, afterwards of General Clavering. Thus Mr. Hastings was set loose: there was an inspection and a watch upon his conduct, and no more. He was then just in the same situation in which he had stood in 1772. What does he do? Even just what he did in 1772. He deposes Mahomed Reza Khân, notwithstanding the Company's orders, notwithstanding their pledged faith; he turns him out, and makes a distribution of two lacs and a half of rupees, the salary of that great magistrate, in the manner I will now show your

Lordships. He made an arrangement consisting of three main parts: the first was with regard to the women, the next with regard to the magistracy, the last with regard to the officers of state of the household.

The first person that occurred to Mr. Hastings was Munny Begum; and he gave her, not out of that part of the Nabob's allowance which was to support the seraglio, but out of the allowance of this very magistrate, just as if such a thing had been done here out of the salary of a Lord Chancellor or a Lord Chief-Justice, — out of these two lacs and a half of rupees, that is, about twenty-four or twenty-five thousand pounds a year, he ordered an allowance to be made to Munny Begum of 72,000 rupees per annum, or 7,200*l.* a year; for the Nabob's own mother, whom he thrust, as usual, into a subordinate situation, he made an allowance of 3,000*l.*; to the Sudder ul Huk Khân, which is, translated into English, the Lord Chief-Justice, he allowed the same sum that he did to the dancing-girl, (which was very liberal in him, and I am rather astonished to find it,) namely, 7,200*l.* a year. And who do you think was the next public officer he appointed? It was the Rajah Gour das, the son of Nundcomar, and whose testimony he has attempted both before and since this occasion to weaken. To him, however, he gave an employment of 6,000*l.* a year, as if to make through the son some compensation to the manes of the father. And in this manner he distributes, with a wild and liberal profusion, between magistrates and dancing-girls, the whole spoil of Mahomed Reza Khân, notwithstanding the Company's direct and positive assurance given to him. Everything was done, at the same time, to

put, as it was before, into the hands of this dancing-girl the miserable Nabob's whole family; and that the fund for corruption might be large enough, he did not take the money for this dancing-girl out of the Nabob's separate revenue, of which he and the dancing-girl had the private disposal between them.

Now upon what pretence did he do all this? The Nabob had represented to Mr. Hastings that he was now of age, — that he was an independent, sovereign prince, — that, being independent and sovereign in his situation, and being of full age, he had a right to manage his own concerns himself; and therefore he desired to be admitted to that management. And, indeed, my Lords, ostensibly, and supposing him to have been this independent prince, and that the Company had no authority or had never exercised any authority over him through Mr. Hastings, there might be a good deal said in favor of this request. But what was the real state of the case? The Nabob was a puppet in the hands of Mr. Hastings and Munny Begum; and you will find, upon producing the correspondence, that he confesses that she was the ultimate object and end of this request.

I think this correspondence, wherein a son is made to petition, in his own name, for the elevation of a dancing-girl, his step-mother, above himself and everybody else, will appear to your Lordships such a curiosity as, I believe, is not to be found in the state correspondence of the whole world. The Nabob begins thus: — "The excellency of that policy by which her Highness the Begum" (meaning Munny Begum) "(may her shadow be far extended!) formerly, during the time of her administration, transacted the affairs of the nizamut in the very best and most ad-

vantageous manner, was, by means of the delusions of enemies disguised under the appearance of friends, hidden from me. Having lately seriously reflected on my own affairs, I am convinced that it was the effect of maternal affection, was highly proper, and for my interest, — and that, except the said Begum is again invested with the administration, the regulation and prosperity of this family, which is in fact her own, cannot be effected. For this cause, from the time of her suspension until now, I have passed my time, and do so still, in great trouble and uneasiness. As all affairs, and particularly the happiness and prosperity of this family, depend on your pleasure, I now trouble you, in hopes that you, likewise concurring in this point, will be so kind as to write in fit and proper terms to her Highness the Begum, that she will always, as formerly, employ her authority in the administration of the nizamut and the affairs of this family."

This letter, my Lords, was received upon the 23d of August; and your Lordships may observe two things in it: first, that, some way or other, this Nabob had been (as the fact was) made to express his desire of being released from his subjection to the Munny Begum, but that now he has got new lights, all the mists are gone, and he now finds that Munny Begum is not only the fittest person to govern him, but the whole country. This young man, whose incapacity is stated, and never denied, by Mr. Hastings, and by Lord Cornwallis, and by all the rest of the world who know him, begins to be charmed with the excellency of the policy of Munny Begum. Such is his violent impatience, such the impossibility of his existing an hour but under the govern-

ment of Munny Begum, that he writes again on the 25th of August, (he had really the impatience of a lover,) and within five days afterwards writes again, — so impatient, so anxious and jealous is this young man to be put under the government of an old dancing-woman. He is afraid lest Mr. Hastings should imagine that some sinister influence had prevailed upon him in so natural and proper a request. He says, "Knowing it for my interest and advantage that the administration of the affairs of the nizamut should be restored to her Highness the Munny Begum, I have already troubled you with my request, that, regarding my situation with an eye of favor, you will approve of this measure. I am credibly informed that some one of my enemies, from selfish views, has, for the purpose of oversetting this measure, written you that the said Begum procured from me by artifice the letter I wrote you on this subject. This causes me the greatest astonishment. Please to consider, that artifice and delusion are confined to cheats and impostors, and can never proceed from a person of such exalted rank, who is the head and patron of all the family of the deceased Nabob, my father, — and that to be deluded, being a proof of weakness and folly, can have no relation to me, except the inventor of this report considers me as void of understanding, and has represented me to the gentlemen as a blockhead and an idiot. God knows how harshly such expressions appear to me; but, as the truth or falsehood has not yet been fully ascertained, I have therefore suspended my demand of satisfaction. Should it be true, be so kind as to inform me of it, that the person may be made to answer for it."

My Lords, here is a very proper demand. The

Nabob is astonished at the suspicion, that such a woman as Munny Begum, whose trade in youth had been delusion, should be capable of deluding anybody. Astonishing it certainly was, that a woman who had been a deluder in youth should be suspected to be the same in old age, and that he, a young man, should be subject to her artifices. "They must suspect me to be a great blockhead," he says, "if a man of my rank is to be deluded." There he forgot that it is the unhappy privilege of great men to be cheated, to be deluded, much more than other persons; but he thought it so impossible in the case of Munny Begum, that he says, "Produce me the traitor that could suppose it possible for me to be deluded, when I call for this woman as the governor of the country. I demand satisfaction." I rather wonder that Mr. Hastings did not inform him who it was that had reported so gross and improbable a tale, and deliver him up to the fury of the Nabob.

Mr. Hastings is absolutely besieged by him; for he receives another letter upon the 3d of September. Here are four letters following one another quick as post expresses with horns sounding before them. "Oh, I die, I perish, I sink, if Munny Begum is not put into the government of the country!—I therefore desire to have her put into the government of the country, and that you will not keep me longer in this painful suspense, but will be kindly pleased to write immediately to the Munny Begum, that she take on herself the administration of the affairs of the nizamut, which is, in fact, her own family, without the interference of any other person whatever: by this you will give me complete satisfaction." Here is a correspondence more like an amorous than a state

correspondence. What is this man so eager about, what in such a rage about, that he cannot endure the smallest delay of the post with common patience? Why, lest this old woman (who is not his mother, and with whom he had no other tie of blood) should not be made mistress of himself and the whole country! However, in a very few months afterwards he himself is appointed by Mr. Hastings to the government; and you may easily judge by the preceding letters who was to govern. It would be an affront to your Lordships' judgment to attempt to prove who was to govern, after he had desired to put the whole government of affairs into the hands of Munny Begum.

Now, Munny Begum having obtained this salary, and being invested with this authority, and made in effect the total and entire governor of the country, as I have proved by the Nabob's letters, let us see the consequences of it; and then I desire to know whether your Lordships can believe that in all this haste, which, in fact, is Mr. Hastings's haste and impatience, (for we shall prove that the Nabob never did or could take a step but by his immediate orders and directions,) — whether your Lordships can believe that Mr. Hastings would incur all the odium attending such transactions, unless he had some corrupt consideration.

My Lords, very soon after these appointments were made, consisting of Munny Begum at the head of the affairs, the Lord Chief-Justice under her, and under her direction, and Rajah Gourdas as steward of the household, the first thing we hear is, just what your Lordships expect to hear upon such a case, that this unfortunate chief-justice, who was a man undoubtedly of but a poor, low disposition, but, I believe, a per-

fectly honest, perfectly well-intentioned man, found it absolutely impossible for him to execute his office under the direction of Munny Begum; and accordingly, in the month of September following, he sends a complaint to Mr. Hastings, "that certain bad men had gained an ascendency over the Nabob's temper, by whose instigation he acts." After complaining of the slights he receives from the Nabob, he adds, "Thus they cause the Nabob to treat me, sometimes with indignity, at others with kindness, just as they think proper to advise him: their view is, that, by compelling me to displeasure at such unworthy treatment, they may force me either to relinquish my station, or to join with them, and act by their advice, and appoint creatures of their recommendation to the different offices, from which they might draw profit to themselves." This is followed by another letter, in which he shows who those corrupt men were that had gained the ascendency over the Nabob's temper, — namely, the eunuchs of Munny Begum: one of them her direct instrument in bribery with Mr. Hastings. What you would expect from such a state of things accordingly happened. Everything in the course of justice was confounded; all official responsibility destroyed; and nothing but a scene of forgery, peculation, and knavery of every kind and description prevailed through the country, and totally disturbed all order and justice in it. He says, "The Begum's ministers, before my arrival, with the advice of their counsellors, caused the Nabob to sign a receipt, in consequence of which they received at two different times near fifty thousand rupees, in the name of the officers of the Adawlut, Foujdarry, &c., from the Company's circar; and having drawn up an account-

current in the manner they wished, they got the Nabob to sign it, and then sent it to me." In the same letter he asserts "that these people have the Nabob entirely in their power."

My Lords, you see here Mr. Hastings enabling the corrupt eunuchs of this wicked old woman to draw upon the Company's treasury at their pleasure, under forged papers of the Nabob, for just such moneys as they please, under the name and pretence of giving it to the officers of justice, but which they distribute among themselves as they think fit. This complaint was soon followed by another, and they furnish, first, the strongest presumptive proof of the corrupt motives of Mr. Hastings; and, secondly, they show the horrible mischievous effects of his conduct upon the country.

In consequence of the first complaint, Mr. Hastings directs this independent Nabob not to concern himself any longer with the Foujdarry. The Nabob, who had before declared that the superintendence of all the offices belonged to him, and was to be executed by himself, or under his orders, instantly obeys Mr. Hastings, and declares he will not interfere in the business of the courts any more. Your Lordships will observe further that the complaint is not against the Nabob, but against the creatures and the menial servants of Munny Begum: and yet it is the Nabob he forbids to interfere in this business; of the others he takes no notice; and this is a strong proof of the corrupt dealings of Mr. Hastings with this woman. When the whole country was fallen into confusion under the administration of this woman, and under her corrupt ministers, men base-born and employed in the basest offices, (the men of the household train of the women of rank in that country are of that

description,) he writes to the Nabob again, and himself confesses the mischiefs that had arisen from his corrupt arrangements.

"At your Excellency's request, I sent Sudder ul Huk Khân to take on him the administration of the affairs of the Adawlut and Foujdarry, and hoped by that means not only to have given satisfaction to your Excellency, but that through his abilities and experience these affairs would have been conducted in such manner as to have secured the peace of the country and the happiness of the people; and it is with the greatest concern I learn that this measure is so far from being attended with the expected advantages, that the affairs both of the Foujdarry and Adawlut are in the greatest confusion imaginable, and daily robberies and murders are perpetrated throughout the country. This is evidently owing to the want of a proper authority in the person appointed to superintend them. I therefore addressed your Excellency on the importance and delicacy of the affairs in question, and of the necessity of lodging full power in the hands of the person chosen to administer them. In reply to which your Excellency expressed sentiments coincident with mine. Notwithstanding which, your dependants and people, actuated by selfish and avaricious views, have by their interference so impeded the business as to throw the whole country into a state of confusion, from which nothing can retrieve it but an unlimited power lodged in the hands of the superintendent. I therefore request that your Excellency will give the strictest injunctions to all your dependants not to interfere in any manner with any matter relative to the affairs of the Adawlut and Foujdarry, and that you will yourself relinquish all

interference therein, and leave them entirely to the management of Sudder ul Huk Khân. This is absolutely necessary to restore the country to a state of tranquillity."

My Lords, what evidence do we produce to your Lordships of the consequences of Mr. Hastings's corrupt measures? His own. He here gives you the state into which the country was thrown by the criminal interference of the wicked woman whom he had established in power, totally superseding the regular judicial authority of the country, and throwing everything into confusion. As usual, there is such irregularity in his conduct, and his crimes are so multiplied, that all the contrivances of ingenuity are unable to cover them. Now and then he comes and betrays himself; and here he confesses you his own weakness, and the effects of his own corruption: he had appointed Munny Begum to this office of power, he dare not say a word to her upon her abuse of it, but he lays the whole upon the Nabob. When the Chief-Justice complains that these crimes were the consequence of Munny Begum's interference, and were committed by her creatures, why did he not say to the Nabob, "The Begum must not interfere; the Begum's eunuchs must not interfere"? He dared not: because that woman had concealed all the bribes but one from public notice to gratify him; she and Yatibar Ali Khân, her minister, who had the principal share in this destruction of justice and perversion of all the principal functions of government, had it in their power to discover the whole. Mr. Hastings was obliged, in consequence of that concealment, to support her and to support him. Every evil principle was at work. He bought a mercenary silence to pay

the same back to them. It was a wicked silence, the concealment of their common guilt. There was at once a corrupt gratitude operating mutually by a corrupt influence on both, and a corrupt fear influencing the mind of Mr. Hastings, which did not permit him to put an end to this scene of disorder and confusion, bought at the expense of twenty-four thousand pounds a year to the Company. You will hereafter see what use he makes of the evidence of Yatibar Ali Khân, and of this woman, for concealing their guilt.

Your Lordships will observe that the virtuous majority, whose reign was but short, and two of whom died of grief and vexation under the impediments which they met with from the corruptions and oppositions of Mr. Hastings, (their indirect murderer, — for it is well known to the world that their hearts were thus broken,) put their conduct out of all suspicion. For they ordered an exact account to be kept by Mahomed Reza Khân, — though, certainly, if any person in the country could be trusted, he, upon his character, might; but they did not trust him, because they knew the Company did not suffer them to trust any man: they ordered an exact account to be kept by him of the Nabob's expenses, which finally must be the Company's expenses; they ordered the account to be sent down yearly, to be controlled, if necessary, whilst the means of control existed. — What was Mr. Hastings's conduct? He did not give the persons whom he appointed any order to produce any account, though their character and circumstances were such as made an account ten thousand times more necessary from them than from those from whom it had been in former times by the Company strictly exacted. So that his not

ordering any account to be given of the money that was to be expended leaves no doubt that the appointment of Munny Begum was in pursuance of his old system of bribery, and that he maintained her in office, to the subversion of public justice, for the purpose of robbing, and of continuing in the practice of robbing, the country.

But though this continued longer than was for the good of the country, yet it did not continue absolutely and relatively long; because the Court of Directors, as soon as they heard of this iniquitous appointment, which glared upon them in all the light of its infamy, immediately wrote the strongest, the most decided, and the most peremptory censure upon him, attributing his acts, every one of them, to the same causes to which I attribute them. As a proof that the Court of Directors saw the thing in the very light in which I represent it to your Lordships, and indeed in which every one must see it, you will find that they reprobate all his idle excuses, — that they reprobate all the actors in the scene, — that they consider everything to have been done, not by the Nabob, but by himself, — that the object of the appointment of Munny Begum was *money*, and that the consequence of that appointment was the robbery of the Nabob's treasury. "We by no means approve your late proceedings, on the application of the Nabob Mobarek ul Dowlah for the removal of the Naib Subahdar. The requisition of Mobarek ul Dowlah was improper and unfriendly; because he must have known that the late appointment of Mahomed Reza Khân to the office of Naib Subahdar had been marked with the Company's special approbation, and that the Court of Directors had assured him of their favor so long

as a firm attachment to the Company's interest and a proper discharge of the duties of his station should render him worthy of their protection. We therefore repeat our declaration, that to require the dismission of a prime-minister thus circumstanced, without producing the smallest proof of his infidelity to the Company, or venturing to charge him with one instance of maladministration in the discharge of his public duty, was improper and inconsistent with the friendship subsisting between the Nabob of Bengal and the Company." And further on they say,— "The Nabob having intimated that he had repeatedly stated the trouble and uneasiness which he had suffered from the naibship of the nizamut being vested in Mahomed Reza Khân, we observe one of the members of your board desired the Nabob's repeated letters on the subject might be read, but this reasonable request was overruled, on a plea of saving the board's time, which we can by no means admit as a sufficient objection. The Nabob's letters of the 25th and 30th August, of the 3d September and 17th November, leave us no doubt of the true design of this extraordinary business being to bring forward Munny Begum, and again to invest her with improper power and influence, notwithstanding our former declaration, that so great a part of the Nabob's allowance had been embezzled or misapplied under her superintendence."

At present I do not think it necessary, because it would be doing more than enough, it would be slaying the slain, to show your Lordships what Mr. Hastings's motives were in acting against the sense of the East India Company, appointed by an act of Parliament to control him, — that he did it for a corrupt purpose, that all his pretences were false and fraudu-

lent, and that he had his own corrupt views in the whole of the proceeding. But in the statement which I have given of this matter, I beg your Lordships to observe the instruments with which Mr. Hastings acts. The great men of that country, and particularly the Subahdar himself, the Nabob, are and is in so equivocal a situation, that it afforded him two bolting-holes, by which he is enabled to resist the authority of the Company, and exercise an arbitrary authority of his own: for, though the Nabob has the titles of high sovereignty, he is the lowest of all dependants; he appears to be the master of the country, — he is a pensioner of the Company's government.

When Mr. Hastings wants him to obey and answer his corrupt purposes, he finds him in the character of a pensioner: when he wants his authority to support him in opposition to the authority of the Company, immediately he invests him with high sovereign powers, and he dare not execute the orders of the Company for fear of doing some act that will make him odious in the eyes of God and man. We see how he appointed all officers for him, and forbade his interference in all affairs. When the Company see the impropriety and the guilt of these acts, and order him to rescind them, and appoint again Mahomed Reza Khân, he declares he will not, that he cannot do it in justice, but that he will consent to send him the order of the Company, but without backing it with any order of the board: which, supposing even there had been no private communication, was, in other words, commanding him to disobey it. So this poor man, who a short time before was at the feet of Mr. Hastings, whom Mr. Hastings declared to be a pageant, and swore in a court of justice that he was

but a pageant, and followed that affidavit with long declarations in Council that he was a pageant in sovereignty, and ought in policy ever to be held out as such, — this man he sets up in opposition to the Company, and refuses to appoint Mahomed Reza Khân to the office which was guarantied to him by the express faith of the Company, pledged to his support. Will any man tell me that this resistance, under such base, though plausible pretences, could spring from any other cause than a resolution of persisting systematically in his course of corruption and bribery through Munny Begum?

But there is another circumstance that puts this in a stronger light. He opposes the Nabob's mock authority to the authority of the Company, and leaves Mahomed Reza Khân unemployed, because, as he says, he cannot in justice execute orders from the Company (though they are his undoubted masters) contrary to the rights of the Nabob. You see what the rights of the Nabob were: the rights of the Nabob were, to be governed by Munny Begum and her scandalous ministers. But, however, we now see him exalted to be an independent sovereign; he defies the Company at the head of their armies and their treasury; that name that makes all India shake was defied by one of its pensioners. My Lords, human greatness is an unstable thing. This man, so suddenly exalted, was as soon depressed; and the manner of his depression is as curious as that of his exaltation by Mr. Hastings, and will tend to show you the man most clearly.

Mr. Francis, whose conduct all along was directed by no other principles than those which were in conformity with the plan adopted by himself and his

virtuous colleagues, namely, an entire obedience to the laws of his country, and who constantly had opposed Mr. Hastings, upon principles of honor, and principles of obedience to the authority of the Company under which he acted, had never contended for any one thing, in any way, or in any instance, but obedience to them, and had constantly asserted that Mahomed Reza Khân ought to be put into employment. Mr. Hastings as constantly opposed him; and the reason he gave for it was, that it was against the direct rights of the Nabob, and that they were rights so sacred that they could not be infringed even by the sovereign authority of the Company ordering him to do it. He had so great an aversion to the least subtraction of the Nabob's right, that, though expressly commanded by the Court of Directors, he would not suffer Mahomed Reza Khân to be invested with his office under the Company's authority. The Nabob was too sovereign, too supreme, for him to do it. But such is the fate of human grandeur, that a whimsical event reduced the Nabob to his state of pageant again, and made him the mere subject of — you will see whom. Mr. Hastings found he was so embarrassed by his disobedience to the spirit of the orders of the Company, and by the various wild projects he had formed, as to make it necessary for him, even though he had a majority in the Council, to gain over at any price Mr. Francis. Mr. Francis, frightened by the same miserable situation of affairs, (for this happened at a most dangerous period, — the height of the Mahratta war,) was willing likewise to give up his opposition to Mr. Hastings, to suspend the execution of many rightful things, and to concede them to the public necessity. Accordingly

he agreed to terms with Mr. Hastings. But what was the price of that concession? Any base purpose, any desertion of public duty? No: all that he desired of Mr. Hastings was, that he should obey the orders of the Company; and among other acts of the obedience required was this, that Mahomed Reza Khân should be put into his office.

You have heard how Mr. Hastings opposed the order of the Company, and on what account he opposed it. On the 1st of September he sent an order to the Nabob, now become his subject, to give up this office to Mahomed Reza Khân: an act which he had before represented as a dethroning of the Nabob. The order went on the 1st of September, and on the 3d this great and mighty prince, whom all earth could not move from the assertion of his rights, gives them all up, and Mahomed Reza Khân is invested with them. So there all his pretences were gone. It is plain that what had been done before was for Munny Begum, and that what he now gave up was from necessity: and it shows that the Nabob was the meanest of his servants; for in truth he ate his daily bread out of the hands of Mr. Hastings, through Munny Begum.

Mahomed Reza Khân was now invested again with his office; but such was the treachery of Mr. Hastings, that, though he wrote to the Nabob that this was done in consequence of the orders of the Company, he did clandestinely, according to his usual mode, assure the Nabob that Mahomed Reza Khân should not hold the place longer than till he heard from England. He then wrote him another letter, that he should hold it no longer than while he submitted to his present necessity, (thus giving up to

his colleague what he refused to the Company,) and engaged, privately, that he would dismiss Mahomed Reza Khân again. And accordingly, the moment he thought Mr. Francis was not in a condition to give him trouble any longer, that moment he again turned out Mahomed Reza Khân from that general superintendence of affairs which the Company gave him, and deposed him as a minister, leaving him only a very confined authority as a magistrate.

All these changes, no less than four great revolutions, if I may so call them, were made by Mr. Hastings for his own corrupt purposes. This is the manner in which Mr. Hastings has played with the most sacred objects that man ever had a dealing with: with the government, with the justice, with the order, with the dignity, with the nobility of a great country: he played with them to satisfy his own wicked and corrupt purposes through the basest instrument.

Now, my Lords, I have done with these presumptions of corruption with Munny Begum, and have shown that it is not a slight crime, but that it is attended with a breach of public faith, with a breach of his orders, with a breach of the whole English government, and the destruction of the native government, of the police, the order, the safety, the security, and the justice of the country, — and that all these are much concerned in this cause. Therefore the Commons stand before the face of the world, and say, We have brought a cause, a great cause, a cause worthy the Commons of England to prosecute, and worthy the Lords to judge and determine upon.

I have now nothing further to state than what the consequences are of Mr. Hastings taking bribes, — that Mr. Hastings's taking of bribes is not only his

own corruption, but the incurable corruption of the whole service. I will show, first, that he was named in 1773 to put an end to that corruption. I will show that he did not, — that he knowingly and willingly connived at it, — and that that connivance was the principal cause of all the disorders that have hitherto prevailed in that country. I will show you that he positively refused to obey the Company's order to inquire into and to correct the corruptions that prevailed in that country; next, that he established an avowed system of connivance, in order to gain over everything that was corrupt in the country; and that, lastly, to secure it, he gave up all the prosecutions, and enervated and took away the sole arm left to the Company for the assertion of authority and the preservation of good morals and purity in their service.

My Lords, here is a letter, in the year 1773, in which the Court of Directors had, upon his own representation, approved some part of his conduct. He is charmed with their approbation; he promises the greatest things; but I believe your Lordships will see, from the manner in which he proceeds at that very instant, that a more deliberate system, for not only being corrupt himself, but supporting corruption in others, never was exhibited in any public paper.

"While I indulge the pleasure which I receive from the past successes of my endeavors, I own I cannot refrain from looking back with a mixture of anxiety on the omissions by which I am sensible I may since have hazarded the diminution of your esteem. All my letters addressed to your Honorable Court, and to the Secret Committee, repeat the stron-

gest promises of prosecuting the inquiries into the conduct of your servants which you had been pleased to commit particularly to my charge. You will readily perceive that I must have been sincere in those declarations; since it would have argued great indiscretion to have made them, had I foreseen my inability to perform them. I find myself now under the disagreeable necessity of avowing that inability; at the same time I will boldly take upon me to affirm, that, on whomsoever you might have delegated that charge, and by whatever powers it might have been accompanied, it would have been sufficient to occupy the entire attention of those who were intrusted with it, and, even with all the aids of leisure and authority, would have proved ineffectual. I dare appeal to the public records, to the testimony of those who have opportunities of knowing me, and even to the detail which the public voice can report of the past acts of this government, that my time has been neither idly nor uselessly employed: yet such are the cares and embarrassments of this various state, that, although much may be done, much more, even in matters of moment, must necessarily remain neglected. To select from the miscellaneous heap which each day's exigencies present to our choice those points on which the general welfare of your affairs most essentially depends, to provide expedients for future advantages and guard against probable evils, are all that your administration can faithfully promise to perform for your service with their united labors most diligently exerted. They cannot look back without sacrificing the objects of their immediate duty, which are those of your interests, to endless researches, which can produce no real good, and may expose your affairs to all

the ruinous consequences of personal malevolence, both here and at home."

My Lords, this is the first man, I believe, that ever took credit for his sincerity from his breach of his promises. "I could not," he says, "have made these promises, if I had not thought that I could perform them. Now I find I cannot perform them, and you have in that non-performance and in that profession a security for my sincerity when I promised them." Upon this principle, any man who makes a promise has nothing to do afterwards, but to say that he finds himself (without assigning any particular cause for it) unable to perform it, — not only to justify himself for his non-performance, but to justify himself and claim credit for sincerity in his original profession. The charge was given him specially, and he promised obedience, over and over, upon the spot, and in the country, in which he was no novice, for he had been bred in it: it was his native country in one sense, it was the place of his renewed nativity and regeneration. Yet this very man, as if he was a novice in it, now says, "I promised you what I now find I cannot perform." Nay, what is worse, he declares no man could perform it, if he gave up his whole time to it. And lastly, he says, that the inquiry into these corruptions, even if you succeeded in it, would do more harm than good. Now was there ever an instance of a man so basely deserting a duty, and giving so base a reason for it? His duty was to put an end to corruption in every channel of government. It cannot be done. Why? Because it would expose our affairs to malignity and enmity, and end, perhaps, to our disadvantage. Not only will he connive himself, but he advises the Company

to do it. For fear of what? For fear that their service was so abandoned and corrupt, that the display of the evil would tend more to their disreputation than all their attempts to reform it would tend to their service.

Mr. Hastings should naturally have imagined that the law was a resource in this desperate case of bribery. He tells you, that in "that charge of oppression, though they were supported by the cries of the people and the most authentic representations, it is yet impossible in most cases to obtain legal proofs." Here is a system of total despair upon the business, which I hope and believe is not a desperate one, and has not proved a desperate one, whenever a rational attempt has been made to pursue it. Here you find him corrupt, and you find, in consequence of that corruption, that he screens the whole body of corruption in India, and states an absolute despair of any possibility, by any art or address, of putting an end to it. Nay, he tells you, that, if corruption did not exist, if it was not connived at, that the India Company could not exist. Whether that be a truth or not I cannot tell; but this I know, that it is the most horrible picture that ever was made of any country. It might be said that these were excuses for omissions, — sins of omission he calls them. I will show that they were systematic, that Mr. Hastings did uniformly profess that he would connive at abuses, and contend that abuses ought to be connived at. When the whole mystery of the iniquity, in which he himself was deeply concerned, came to light, — when it appeared that all the Company's orders were contravened, — that contracts were given directly contrary to their orders, and upon principles

subversive of their government, leading to all manner of oppression and ruin to the country, — what was Mr. Hastings's answer? "I must here remark, that the majority . . . . . I had not the power of establishing it." * Then he goes on and states other cases of corruption, at every one of which he winks. Here he states another reason for his connivance. "Suppose again," (for he puts another supposition, and these suppositions are not hypotheses laid down for argument, but real facts then existing before the Council examining into grievances,) — "suppose again, that any person had benefited himself . . . . . unprofitable discussion." †

Here is a direct avowal of his refusing to examine into the conduct of persons in the Council, even in the highest departments of government, and the best paid, for fear he should dissatisfy them, and should lose their votes, by discovering those peculations and corruptions, though he perfectly knew them. Was there ever, since the world began, any man who would dare to avow such sentiments, until driven to the wall? If he could show that he himself abhorred bribes, and kept at a distance from them, then he might say, "I connive at the bribes of others"; but when he acknowledges that he takes bribes, how can you doubt that he buys a corrupt confederacy, and puts an end to any hope through him of reformation of the abuses at Bengal? But your Lordships will see that he not only connived at abuse, but patronized it and supported it for his own political purposes; since he here confesses, that, if inquiry into it created him ill-humor, and produced him an opposi-

* Document wanting. † Document wanting.

tion in Council, he sacrificed it to the power of the Company, and the constitution of their government. Did he so? The Company ordered him to prosecute those people, and their constitution required that they should be prosecuted. "No," says Mr. Hastings, "the conniving at it procures a majority of votes." The very thing that he bought was not worth half the price he paid for it. He was sent to reform corruptions, and, in order that he might reform corruptions, he winked at, countenanced, and patronized them, to get a majority of votes; and what was, in fact, a sacrifice to his own interest, ambition, and corruption, he calls a sacrifice to the Company. He puts, then, this alternative: "Either give everything into my hand, suffer me to go on, and have no control, or else I wink at every species of corruption." It is a remarkable and stupendous thing, that, when all the world was alarmed at the disorders of the Company, when that alarm occasioned his being sent out, and when, in consequence of that alarm, Parliament suspended the constitution of the Company, and appointed another government, Mr. Hastings should tell that Company that Parliament had done wrong, and that the person put at the head of that government was to wink at those abuses. Nay, what is more, not only does Mr. Hastings declare, upon general principles, that it was impossible to pursue all the delinquencies of India, and that, if possible to pursue them, mischief would happen from it, but your Lordships will observe that Mr. Hastings, in this business, during the whole period of the administration of that body which was sent out to inquire into and reform the corruptions of India, did not call one person to an account; nor-

except Mr. Hastings, this day, has any one been called to an account, or punished for delinquency. Whether he will be punished or no, time will show. I have no doubt of your Lordships' justice, and of the goodness of our cause.

The table of the House of Commons groaned under complaints of the evils growing in India under this systematic connivance of Mr. Hastings. The Directors had set on foot prosecutions, to be conducted God knows how; but, such as they were, they were their only remedy; and they began to consider at last that these prosecutions had taken a long oblivious nap of many years; and at last, knowing that they were likely, in the year 1782, to be called to a strict account about their own conduct, the Court of Directors began to rouse themselves, and they write thus: "Having in several of our letters to you very attentively perused all the proceedings referred to in these paragraphs, relative to the various forgeries on the Company's treasuries, we lament exceedingly that the parties should have been so long in confinement without being brought to trial."

Here, my Lords, after justice had been asleep awhile, it revived. They directed two things: first, that those suits should be pursued; but whether pursued or not, that an account of the state of them should be given, that they might give orders concerning them.

Your Lordships see the orders of the Company. Did they not want to pursue and to revive those dormant prosecutions? They want to have a state of them, that they may know how to direct the future conduct of them with more effect and vigor than they had yet been pursued with. You will naturally imagine that

Mr. Hastings did not obey their orders, or obeyed them languidly. No, he took another part. He says, "Having attentively read and weighed the arguments . . . . . for withdrawing them." *

Thus he begins with the general principle of connivance; he directly avows he does it for a political purpose; and when the Company directs he shall proceed in the suits, instead of deferring to their judgment, he takes the judgment on himself, and says theirs is untenable; he directly discharges the prosecutions of the Company, supersedes the authority of his masters, and gives a general release to all the persons who were still suffering by the feeble footsteps of justice in that country. He gave them an act of indemnity, and that was the last of his acts.

Now, when I show the consequence of his bribery, the presumptions that arise from his own bribes, his attention to secure others from the punishment of theirs, and, when ordered to carry on a suit, his discharging it, — when we see all this, can we avoid judging and forming our opinions upon two grand points: first, that no man would proceed in that universal patronage of guilt, unless he was guilty himself; next, that, by a universal connivance for fourteen years, he is himself the cause and mainspring of all the evils, calamities, extortion, and bribery, that have prevailed and ravaged that country for so long a time? There is, indeed, no doubt either of his guilt, or of the consequences of it, by which he has extinguished the last expiring hope and glimpse that remained of procuring a remedy for India of the evils that exist in it.

I would mention, that, as a sort of postscript, when

* Document wanting.

he could no longer put the government into the hands of that infamous woman, Munny Begum, he sent an amorous, sentimental letter to the Company, describing her miserable situation, and advising the Company to give her a pension of seventy-two thousand rupees a year, to maintain her. He describes her situation in such a moving way as must melt every heart. He supposes her to be reduced to want by the cruel orders of the Company, who retain from her money which they were never obliged to give her. This representation, which he makes with as much fairness as he represents himself to be in a state of the most miserable poverty and distress, he alone made to the Company, because his colleagues would not countenance him in it; and we find, upon looking over Lord Cornwallis's last examination into the whole state of this unhappy family, that this woman was able to lend to Mobarek ul Dowlah twenty thousand pounds. Mr. Hastings, however, could not avoid making this representation; because he knew, that, if he quitted the country without securing that woman, by giving her a hope that she could procure by his credit here that money which by his authority he had before procured for her, she might then make a discovery of all the corruption that had been carried on between them; and therefore he squanders away the treasures of the Company, in order to secure himself from any such detection, and to procure for himself *razinamas* and all those fine things. He knew that Munny Begum, that the whole seraglio, that all the country, whom he had put under the dominion of Sir John D'Oyly, that all those people might have made a discovery of all his corrupt proceedings; he therefore gets the Nabob to appoint Sir John D'Oyly

his agent here, with a view of stopping his mouth, and by the hope of another 160,000*l.* a year to prevent his giving an account of the dilapidation and robbery that was made of the 160,000*l.* which had been left him.

I have now finished what I proposed to say relative to his great fund of bribery, in the first instance of it, — namely, the administration of justice in the country. There is another system of bribery which I shall state before my friends produce the evidence. He put up all the great offices of the country to sale; he makes use of the trust he had of the revenues in order to destroy the whole system of those revenues, and to bind them and make them subservient to his system of bribery: and this will make it necessary for your Lordships to couple the consideration of the charge of the revenues, in some instances, with that of bribery.

The next day your Lordships meet (when I hope I shall not detain you so long) I mean to open the second stage of his bribery, the period of discovery: for the first stage was the period of concealment. When he found his bribes could no longer be concealed, he next took upon him to discover them himself, and to take merit from them.

When I shall have opened the second scene of his peculation, and his new principles of it, when you see him either treading in old corruptions, and excelling the examples he imitated, or exhibiting new ones of his own, in which of the two his conduct is the most iniquitous, and attended with most evil to the Company, I must leave your Lordships to judge.

SPEECH

ON

THE SIXTH ARTICLE OF CHARGE.

THIRD DAY: TUESDAY, MAY 5, 1789.

MY LORDS, — Agreeably to your Lordships' proclamation, which I have just heard, and the duty enjoined me by the House of Commons, I come forward to make good their charge of high crimes and misdemeanors against Warren Hastings, Esquire, late Governor-General of Bengal, and now a prisoner at your bar.

My Lords, since I had last the honor of standing in this place before your Lordships, an event has happened upon which it is difficult to speak and impossible to be silent. My Lords, I have been disavowed by those who sent me here to represent them. My Lords, I have been disavowed in a material part of that engagement which I had pledged myself to this House to perform. My Lords, that disavowal has been followed by a censure. And yet, my Lords, so censured and so disavowed, and by such an authority, I am sent here again, to this the place of my offence, under the same commission, by the same authority, to make good the same charge, against the same delinquent.

My Lords, the situation is new and awful: the situation is such as, I believe, and I am sure, has nothing like it on the records of Parliament, nor,

probably, in the history of mankind. My Lords, it is not only new and singular, but, I believe, to many persons, who do not look into the true interior nature of affairs, it may appear that it would be to me as mortifying as it is unprecedented. But, my Lords, I have in this situation, and upon the consideration of all the circumstances, something more to feed my mind with than mere consolation; because, my Lords, I look upon the whole of these circumstances, considered together, as the strongest, the most decisive, and the least equivocal proof which the Commons of Great Britain can give of their sincerity and their zeal in this prosecution. My Lords, is it from a mistaken tenderness or a blind partiality to me, that, thus censured, they have sent me to this place? No, my Lords, it is because they feel, and recognize in their own breasts, that active principle of justice, that zeal for the relief of the people of India, that zeal for the honor of Great Britain, which characterizes me and my excellent associates, that, in spite of any defects, in consequence of that zeal which they applaud, and while they censure its mistakes, and, because they censure its mistakes, do but more applaud, they have sent me to this place, instructed, but not dismayed, to pursue this prosecution against Warren Hastings, Esquire. Your Lordships will therefore be pleased to consider this, as I consider it, not as a thing honorable to me, in the first place, but as honorable to the Commons of Great Britain, in whose honor the national glory is deeply concerned; and I shall suffer myself with pleasure to be sacrificed, perhaps, in what is dearer to me than my life, my reputation, rather than let it be supposed that the Commons should for one moment have faltered in their duty. I, my Lords,

on the one hand, feeling myself supported and encouraged, feeling protection and countenance from this admonition and warning which has been given to me, will show myself, on the other hand, not unworthy so great and distinguished a mark of the favor of the Commons, — a mark of favor not the consequence of flattery, but of opinion. I shall feel animated and encouraged by so noble a reward as I shall always consider the confidence of the Commons to be: the only reward, but a rich reward, which I have received for the toils and labors of a long life.

The Commons, then, thus vindicated, and myself thus encouraged, I shall proceed to make good the charge in which the honor of the Commons, that is, the national honor, is so deeply concerned. For, my Lords, if any circumstance of weakness, if any feebleness of nerve, if any yielding to weak and popular opinions and delusions were to shake us, consider what the situation of this country would be. This prosecution, if weakly conceived, ill digested, or intemperately pursued, ought never to have been brought to your Lordships' bar: but being brought to your Lordships' bar, the nation is committed to it, and the least appearance of uncertainty in our minds would disgrace us forever. *Esto perpetua*, has been said. To the glory of this nation, much more be it said, *Esto perpetua;* and I will say, that, as we have raised and exhibited a theatre of justice which has excited the admiration of all Europe, there would be a sort of lustre in our infamy, and a splendor in the disgrace that we should bring upon ourselves, if we should, just at that moment, turn that theatre of our glory into a spectacle of dishonor beyond what has ever happened to any country of the world.

The Commons of Great Britain, whilst willing to keep a strong and firm hand over all those who represent them in any business, do at the same time encourage them in the prosecution of it, by allowing them a just discretion and latitude wherever their own orders have not marked a distinction. I shall therefore go on with the more cheerful confidence, not only for the reasons that I have stated, but for another and material reason. I know and am satisfied, that, in the nobleness of your judgment, you will always make a distinction between the person that gives the order and the organ that is to execute it. The House of Commons know no such thing as indiscretion, imprudence, or impropriety: it is otherwise with their instruments. Your Lordships very well know, that, if you hear anything that shall appear to you to be regular, apt to bring forward the charge, just, prudent, cogent, you are to give it to the Commons of Great Britain in Parliament assembled; if you should hear from me (and it must be from me alone, and not from any other member of the Committee) anything that is unworthy of that situation, that comes feeble, weak, indigested, or ill-prepared, you are to attribute that to the instrument. Your Lordships' judgment would do this without my saying it. But whilst I claim it on the part of the Commons for their dignity, I claim for myself the necessary indulgence that must be given to all weakness. Your Lordships, then, will impute it where you would have imputed it without my desire. It is a distinction you would naturally have made, and the rather because what is alleged by us at the bar is not the ground upon which you are to give judgment. If not only I, but the whole body of mana-

gers, had made use of any such expressions as I made use of, — even if the Commons of Great Britain in Parliament assembled, if the collective body of Parliament, if the voice of Europe, had used them, — if we had spoken with the tongues of men and angels, you, in the seat of judicature, are not to regard what we say, but what we prove; you are to consider whether the charge is well substantiated, and proof brought out by legal inference and argument. You know, and I am sure the habits of judging which your Lordships have acquired by sitting in judgment must better inform you than any other men, that the duties of life, in order to be well performed, must be methodized, separated, arranged, and harmonized in such a manner that they shall not clash with one another, but each have a department assigned and separated to itself. My Lords, in that manner it is that we, the prosecutors, have nothing to do with the principles which are to guide the judgment, that we have nothing to do with the defence of the prisoner. Your Lordships well know, that, when we come before you, you hear a party; that, when the accused come before you, you hear a party: that it is for you to doubt, and wait till you come to the close, before you decide; that it is for us, the prosecutors, to have decided before we came here. To act as prosecutors, we ought to have no doubt or hesitation, nothing trembling or quivering in our minds upon the occasion. We ought to be fully convinced of guilt, before we come to you. It is, then, our business to bring forward the proofs, — to enforce them with all the clearness, illustration, example, that we can bring forward, — that we are to show the circumstances that can aggravate the

guilt, — that we are to go further, show the mischievous consequences and tendency of those crimes to society, — and that we are, if able so to do, to arouse and awaken in the minds of all that hear us those generous and noble sympathies which Providence has planted in the breasts of all men, to be the true guardians of the common rights of humanity. Your Lordships know that this is the duty of the prosecutors, and that therefore we are not to consider the defence of the party, which is wisely and properly left to himself; but we are to press the accusation with all the energy of which it is capable, and to come with minds perfectly convinced before an august and awful tribunal which at once tries the accuser and the accused.

Having stated thus much with respect to the Commons, I am to read to your Lordships the resolution which the Commons have come to upon this great occasion, and upon which I shall take the liberty to say a very few words.

My Lords, the Commons have resolved last night, and I did not see the resolution till this morning, "that no direction or authority was given by this House to the committee appointed to manage the impeachment against Warren Hastings, Esquire, to make any charge or allegation against the said Warren Hastings respecting the condemnation or execution of Nundcomar; and that the words spoken by the Right Honorable Edmund Burke, one of the said managers, *videlicet*, that he (meaning Mr. Hastings) murdered that man (meaning Nundcomar) by the hands of Sir Elijah Impey, ought not to have been spoken."

My Lords, this is the resolution of the House of

Commons. Your Lordships well know and remember my having used such or similar words, and the end and purpose for which I used them. I owe a few words of explanation to the Commons of Great Britain, who attend in a committee of the whole House to be the observers and spectators of my conduct. I owe it to your Lordships, I owe it to this great auditory, I owe it to the present times and to posterity, to make some apology for a proceeding which has drawn upon me the disavowal of the House which I represent. Your Lordships will remember that this charge which I have opened to your Lordships is primarily a charge founded upon the evidence of the Rajah Nundcomar; and consequently I thought myself obliged, I thought it a part of my duty, to support the credit of that person, who is the principal evidence to support the direct charge that is brought before your Lordships. I knew that Mr. Hastings, in his anticipated defence before the House of Commons, had attempted to shake the credit of that witness. I therefore thought myself justified in informing your Lordships, and in warning him, that, if he did attempt to shake the credit of an important witness against him by an allegation of his having been condemned and executed for a forgery, I would endeavor to support his credit by attacking that very prosecution which brought on that condemnation and that execution; and that I did consider it, and would lay grounds before your Lordships to prove it, to be a murder committed, instead of a justification set up, or that ought to be set up.

Now, my Lords, I am ordered by the Commons no longer to persist in that declaration; and I, who know nothing in this place, and ought to know nothing in

this place, but obedience to the Commons, do mean, when Mr. Hastings makes that objection (if he shall be advised to make it) against the credit of Rajah Nundcomar, not thus to support that credit; and therefore that objection to the credit of the witness must go unrefuted by me. My Lords, I must admit, perhaps against my private judgment, (but that is of no consideration for your Lordships, when opposed to the judgment of the House of Commons,) or, at least, not contest, that a first minister of state, in a great kingdom, who had the benefit of the administration, and of the entire and absolute command of a revenue of fifteen hundred thousand pounds a year, had been guilty of a paltry forgery in Calcutta; that this man, who had been guilty of this paltry forgery, had waited for his sentence and his punishment, till a body of English judges, armed with an English statute, came to Calcutta; and that this happened at the very happy nick and moment when he was accusing Mr. Hastings of the bribery with which we now in the name of the Commons charge him; that it was owing to an entirely fortuitous concurrence of circumstances, in which Mr. Hastings had no share, or that it was owing to something beyond this, something that is rather pious than fortuitous, namely, that, as Mr. Hastings tells you himself, "all persuasions of men were impressed with a superstitious belief that a fortunate influence directed all my actions to their destined ends." I, not being at that time infected with the superstition, and considering what I thought Mr. Hastings's guilt to be, and what I must prove it to be as well as I can, did not believe that Providence did watch over Mr. Hastings, so as in the nick of time, like a god in a machine, to come down to save him in

the moment of his imminent peril and distress: I did not think so, but I must not say so.

But now, to show that it was not weakly, loosely, or idly, that I took up this business, or that I anticipated a defence which it was not probable for Mr. Hastings to make, (and I wish to speak to your Lordships in the first instance, but to the Commons in the next,) I will read part of Mr. Hastings's defence before the House of Commons: it is in evidence before your Lordships. He says, — "My accuser" (meaning myself, then acting as a private member of Parliament) "charges me with 'the receipt of large sums of money, corruptly taken before the promulgation of the Regulating Act of 1773, contrary to my covenants with the Company, and with the receipt of very large sums taken since, in defiance of that law, and contrary to my declared sense of its provisions.' And he ushers in this charge in the following pompous diction: 'That in March, 1775, the late Rajah Nundcomar, a native Hindoo of the highest caste in his religion, and of the highest rank in society, by the offices which he had held under the country government, did lay before the Council an account of various sums of money,' &c. It would naturally strike every person ignorant of the character of Nundcomar, that an accusation made by a person of the highest caste in his religion and of the highest rank by his offices demanded particular notice, and acquired a considerable degree of credit, from a prevalent association of ideas that a nice sense of honor is connected with an elevated rank of life: but when this honorable House is informed that my accuser knew (though he suppressed the facts) that this person, of high rank

and high caste, had forfeited every pretension to honor, veracity, and credit, — that there are facts recorded on the very Proceedings which my accuser partially quotes, proving this man to have been guilty of a most flagrant forgery of letters from Munny Begum and the Nabob Yeteram ul Dowlah, (independent of the forgery for which he suffered death,) of the most deliberate treachery to the state, for which he was confined, by the orders of the Court of Directors, to the limits of the town of Calcutta, in order to prevent his dangerous intrigues, and of having violated every principle of common honesty in private life, — I say, when this honorable House is acquainted it is from mutilated and garbled assertions, founded on the testimony of such an evidence, without the whole matter being fairly stated, I do hope and trust it will be sufficient for them to reject *now* these vague and unsupported charges, in like manner as they were *before* rejected by the Court of Directors and his Majesty's ministers, when they were first made by General Clavering, Colonel Monson, and Mr. Francis. — I must here interrupt the course of my defence to explain on what grounds I employed or had any connection with a man of so flagitious a character as Nundcomar."

My Lords, I hope this was a good and reasonable ground for me to anticipate the defence which Mr. Hastings would make in this House, — namely, on the known, recognized, infamous character of Nundcomar, with regard to certain proceedings there charged at large, with regard to one forgery for which he suffered and two other forgeries with which Mr. Hastings charged him. I, who found that

the Commons of Great Britain had received that very identical charge of Nundcomar, and given it to me in trust to make it good, did naturally, I hope excusably, (for that is the only ground upon which I stand,) endeavor to support that credit upon which the House acted. I hope I did so; and I hope that the goodness of that intention may excuse me, if I went a little too far on that occasion. I would have endeavored to support that credit, which it was much Mr. Hastings's interest to shake, and which he had before attempted to shake.

Your Lordships will have the goodness to suppose me now making my apology, and by no manner of means intending to persist either in this, or in anything which the House of Commons shall desire me not to declare in their name. But the House of Commons has not denied me the liberty to make you this just apology: God forbid they should! for they would be guilty of great injustice, if they did. The House of Commons, whom I represent, will likewise excuse me, their representative, whilst I have been endeavoring to support their characters in the face of the world, and to make an apology, and only an humble apology, for my conduct, for having considered that act in the light that I represented it, — and which I did merely from my private opinion, without any formal instruction from the House. For there is no doubt that the House is perfectly right, inasmuch as the House did neither formally instruct me nor at all forbid my making use of such an argument; and therefore I have given your Lordships the reason why it was fit to make use of such argument, — if it was right to make use of it. I am in the memory of your Lord-

ships that I did conceive it to be relevant, and it was by the poverty of the language I was led to express my private feelings under the name of a *murder*. For, if the language had furnished me, under the impression of those feelings, with a word sufficient to convey the complicated atrocity of that act, as I felt it in my mind, I would not have made use of the word *murder*. It was on account of the language furnishing me with no other I was obliged to use that word. Your Lordships do not imagine, I hope, that I used that word in any other than a moral and popular sense, or that I used it in the legal and technical sense of the word *murder*. Your Lordships know that I could not bring before this bar any commoner of Great Britain on a charge for murder. I am not so ignorant of the laws and constitution of my country. I expressed an act which I conceived to be of an atrocious and evil nature, and partaking of some of the moral evil consequences of that crime. What led me into that error? Nine years' meditation upon that subject.

My Lords, the prisoner at the bar in the year 1780 sent a petition to the House of Commons complaining of that very chief-justice, Sir Elijah Impey. The House of Commons, who then had some trust in me, as they have some trust still, did order me, along with persons more wise and judicious than myself, several of whom stand near me, to make an inquiry into the state of the justice of that country. The consequence of that inquiry was, that we began to conceive a very bad opinion both of the complainant and defendant in that business, — that we found the English justice to be, as we thought it, and reported it to the House, a grievance, instead of a redress, to the people of India.

I could bring before your Lordships, if I did not spare your patience, whole volumes of reports, whole bodies of evidence, which, in the progress we have made in the course of eight or nine years, brought to my mind such a conviction as will never be torn from my heart but with my life; and I should have no heart that was fit to lodge any honest sentiment, if I departed from my opinion upon that occasion. But when I declare my own firm opinion upon it, — when I declare the reasons that led me to it, — when I mention the long meditation that preceded my founding a judgment upon it, the strict inquiry, the many hours and days spent in consideration, collation, and comparison, — I trust that infirmity which could be actuated by no malice to one party or the other may be excused; I trust that I shall meet with this indulgence, when your Lordships consider, that, as far as you know me, as far as my public services for many years account for me, I am a man of a slow, laborious, inquisitive temper, that I do seldom leave a pursuit without leaving marks, perhaps of my weakness, but leaving marks of that labor, and that, in consequence of that labor, I made that affirmation, and thought the nature of the cause obliged me to support and substantiate it. It is true that those who sent me here have sagacity to decide upon the subject in a week; they can in one week discover the errors of my labors for nine years.

Now that I have made this apology to you, I assure you, you shall never hear me, either in my own name here, much less in the name of the Commons, urge one thing to you in support of the credit of Nundcomar grounded upon that judgment, until the House shall instruct and order me otherwise; because I

know, that, when I can discover their sentiments, I ought to know nothing here but what is in strict and literal obedience to them.

My Lords, another thing might make me, perhaps, a little willing to be admitted to the proof of what I advanced, and that is, the very answer of Mr. Hastings to this charge, which the House of Commons, however, have adopted, and therefore in some degree purified. "To the malicious part of this charge, which is the condemnation of Nundcomar for a forgery, I do declare, in the most solemn and unreserved manner, that I had no concern, either directly or indirectly, in the apprehending, prosecuting, or executing of Nundcomar. He suffered for a crime of forgery which he had committed in a private trust that was delegated to him, and for which he had been prosecuted in the dewanny courts of the country before the institution of the Supreme Court of Judicature. To adduce this circumstance, therefore, as a confirmation of what was before suspicious from his general depravity of character, is just as reasonable as to assert that the accusations of Empson and Dudley were confirmed because they suffered death for their atrocious acts."

My Lords, this was Mr. Hastings's defence before the House of Commons, and it is now in evidence before your Lordships. In this defence, he supposes the charge which was made originally before the Commons, and which the Commons voted, (though afterwards, for the convenience of shortening it, the affair was brought before your Lordships in the way in which it is,) — he supposes, I say, the whole to proceed from a malicious intention; and I hope your Lordships will not think, and I hope the Commons, reconsidering this matter, will not think, that, when such an imputation

of malice was made for the purpose of repelling this corroborating argument which was used in the House of Commons to prove his guilt, I was wrong in attempting to support the House of Commons against his imputation of malice.

I must observe where I am limited and where I am not. I am limited, strictly, fully, (and your Lordships and my country, who hear me, will judge how faithfully I shall adhere to that limitation,) not to support the credit of Nundcomar by any allegation against Mr. Hastings respecting his condemnation or execution; but I am not at all limited from endeavoring to support his credit against Mr. Hastings's charges of other forgeries, and from showing you, what I hope to show you clearly in a few words, that Nundcomar cannot be presumed guilty of forgery with more probability than Mr. Hastings is guilty of bringing forward a light and dangerous (for I use no other words than a light and dangerous) charge of forgery, when it serves his purpose. Mr. Hastings charges Nundcomar with two other forgeries. "These two forgeries," he says, "are facts recorded in the very Proceedings which my accuser partially quotes, proving this man to have been guilty of a most flagrant forgery of a letter from Munny Begum, and of a letter from the Nabob Yeteram ul Dowlah"; and therefore he infers malice in those who impute anything improper to him, knowing that the proof stood so. Here he asserts that there are records before the House of Commons, and on the Company's Proceedings and Consultations, proving Nundcomar to have been guilty of these two forgeries. Turn over the next page of his printed defence, and you find a very extraordinary thing. You would have imagined that this forgery of a letter

from Munny Begum, which, he says, is recognized and proved on the Journals, was a forgery charged by Munny Begum herself, or by somebody on her part, or some person concerned in this business. There is no other charge of it whatever, but the charge of Warren Hastings himself. He wants you to discredit a man for forgery upon no evidence under heaven but that of his own, who thinks proper, without any sort of authority, without any sort of reference, without any sort of collateral evidence, to charge a man with that very direct forgery. "You are," he says, "well informed of the reasons which first induced me to give any share of my confidence to Nundcomar, with whose character I was acquainted by an experience of many years. The means which he himself took to acquire it were peculiar to himself. He sent a messenger to me at Madras, on the first news of my appointment to this Presidency, with pretended letters from Munny Begum and the Nabob Yeteram ul Dowlah, the brother of the Nabob Jaffier Ali Khân, filled with bitter invectives against Mahomed Reza Khân, and of as warm recommendations, as I recollect, of Nundcomar. I have been since informed by the Begum that the letter which bore her seal was a complete forgery, and that she was totally unacquainted with the use which had been made of her name till I informed her of it. Juggut Chund, Nundcomar's son-in-law, was sent to her expressly to entreat her not to divulge it. Mr. Middleton, whom she consulted on the occasion, can attest the truth of this story."

Mr. Middleton is dead, my Lords. This is not the Mr. Middleton whom your Lordships have heard and know well in this House, but a brother of that Mr. Middleton, who is since dead. Your Lordships find,

when we refer to the records of the Company for the proof of this forgery, that there is no other than the unsupported assertion of Mr. Hastings himself that he was guilty of it. Now that was bad enough; but then hear the rest. Mr. Hastings has charged this unhappy man, whom we must not defend, with another forgery; he has charged him with a forgery of a letter from Yeteram ul Dowlah to Mr. Hastings. Now you would imagine that he would have given his own authority at least for that assertion, which he says was proved. He goes on and says, "I have not yet had the curiosity to inquire of the Nabob Yeteram ul Dowlah whether his letter was of the same stamp; but I cannot doubt it."

Now here he begins, in this very defence which is before your Lordships, to charge a forgery upon the credit of Munny Begum, without supporting it even by his own testimony, — and another forgery in the name of Yeteram ul Dowlah, which he said he had not even the curiosity to inquire into, and yet desires you, at the same time, to believe it to be proved. Good God! in what condition do men of the first character and situation in that country stand, when we have here delivered to us, as a record of the Company, Mr. Hastings's own assertions, saying that these forgeries were proved, though you have for the first nothing but his own unsupported assertion, and for the second his declaration only that he had not the curiosity to inquire into it! I am not forbidden by the Commons to state how and on what slight grounds Warren Hastings charges the natives of the country with forgery; neither am I forbidden to bring forward the accusation which Mr. Hastings made against Nundcomar for a conspiracy, nor the event of it, nor

any circumstance relative to it. I shall therefore proceed in the best manner I can. There was a period, among the revolutions of philosophy, when there was an opinion, that, if a man lost one limb or organ, the strength of that which was lost retired into what was left. My Lords, if we are straitened in this, then our vigor will be redoubled in the rest, and we shall use it with double force. If the top and point of the sword is broken off, we shall take the hilt in our hand, and fight with whatever remains of the weapon against bribery, corruption, and peculation; and we shall use double diligence under any restraint which the wisdom of the Commons may lay upon us, or your Lordships' wisdom may oblige us to submit to.

Having gone through this business, and shown in what manner I am restrained, where I am not to repel Mr. Hastings's defence, and where I am left at large to do it, I shall submit to the strict injunction with the utmost possible humility, and enjoy the liberty which is left to me with vigor, with propriety, and with discretion, I trust.

My Lords, when the circumstance happened which has given occasion to the long parenthesis by which my discourse has been interrupted, I remember I was beginning to open to your Lordships the second period of Mr. Hastings's scheme and system of bribery. My Lords, his bribery is so extensive, and has had such a variety in it, that it must be distinguished not only with regard to its kind, but must be likewise distinguished according to the periods of bribery and the epochas of peculation committed by him. In the first of those periods we shall prove to your Lordships, I

believe, without the aids that we hoped for, (your Lordships allowing, as I trust you will do, a good deal for our situation,) — we shall be able, I say, to prove that Mr. Hastings took, as a bribe for appointing Munny Begum, three lac and an half of rupees; we shall prove the taking at the same time the Rajeshaye bribes. Mr. Hastings at that time followed bribery in a natural manner: he took a bribe; he took it as large as he could; he concealed it as well as he could; and he got out of it by artifice or boldness, by use of trick or use of power, just as he was enabled: he acted like a wild, natural man, void of instruction, discipline, and art.

The second period opened another system of bribery. About this time he began to think (from what communication your Lordships may guess) of other means by which, when he could no longer conceal any bribe that he had received, he not only might exempt himself from the charge and the punishment of guilt, but might convert it into a kind of merit, and, instead of a breaker of laws, a violator of his trust, a receiver of scandalous bribes, a peculator of the first magnitude, might make himself to be considered as a great, distinguishing, eminent financier, a collector of revenue in new and extraordinary ways, and that we should thus at once praise his diligence, industry, and ingenuity. The scheme he set on foot was this: he pretended that the Company could not exist upon principles of strict justice, (for so he expresses it,) and that their affairs, in many cases, could not be so well accommodated by a regular revenue as by privately taking money, which was to be applied to their service by the person who took it, at his discretion. This was the principle he laid down. It would hardly be believed, I imagine, unless strong proof appeared, that

any man could be so daring as to hold up such a resource to a regular government, which had three million of known, avowed, a great part of it territorial, revenue. But it is necessary, it seems, to piece out the lion's skin with a fox's tail, — to tack on a little piece of bribery and a little piece of peculation, in order to help out the resources of a great and flourishing state; that they should have in the knavery of their servants, in the breach of their laws, and in the entire defiance of their covenants, a real resource applicable to their necessities, of which they were not to judge, but the persons who were to take the bribes; and that the bribes thus taken were, by a mental reservation, a private intention in the mind of the taker, unknown to the giver, to be some time or other, in some way or other, applied to the public service. The taking such bribes was to become a justifiable act, in consequence of that reservation in the mind of the person who took them; and he was not to be called to account for them in any other way than as he thought fit.

My Lords, an act of Parliament passed in the year 1773, the whole drift of which, I may say, was to prevent bribery, peculation, and extortion in the Company's servants; and the act was penned, I think, with as much strictness and rigor as ever act was penned. The 24th clause of Chap. 63, 13 Geo. III., has the following enactment: "And be it further enacted by the authority aforesaid, that, from and after the first day of August, 1774, no person holding or exercising any civil or military office under the crown, or the said United Company, in the East Indies, shall accept, receive, or take, directly or indirectly, by himself, or any other person or persons on his behalf, or

for his use or benefit, of and from any of the Indian princes or powers, or their ministers or agents, or any of the natives of Asia, any present, gift, donation, gratuity, or reward, pecuniary or otherwise, upon any account, or on any pretence whatsoever, or any promise or engagement for any present, gift, donation, gratuity, or reward: and if any person, holding or exercising any such civil or military office, shall be guilty of any such offence, and shall be thereof legally convicted," &c., &c. It then imposes the penalties: and your Lordships see that human wisdom cannot pen an act more strongly directed against taking bribes upon any pretence whatever.

This act of Parliament was in affirmance of the covenant entered into by the servants of the Company, and of the explicit orders of the Company, which forbid any person whatever in trust, "directly or indirectly, to accept, take, or receive, or agree to accept, take, or receive, any gift, reward, gratuity, allowance, donation, or compensation, in money, effects, jewels, *or otherwise howsoever*, from any of the Indian princes, sovereigns, subahs, or nabobs, or any of their ministers, servants, or agents, exceeding the value of four thousand rupees, &c., &c. And that he, the said Warren Hastings, shall and will convey, assign, and make over to the said United Company, for their sole and proper use and benefit, all and every such gifts, rewards, gratuities, allowances, donations, or compensations whatsoever, which, contrary to the true intent and meaning of these presents, shall come into the hands, possession, or power of the said Warren Hastings, or any other person or persons in trust for him or for his use."

The nature of the covenant, the act of Parliament, and the Company's orders are clear. First,

they have not forbidden their Governor-General, nor any of their Governors, to take and accept from the princes of the country, openly and publicly, for their use, any territories, lands, sums of money, or other donations, which may be offered in consequence of treaty or otherwise. It was necessary to distinguish this from every other species of acceptance, because many occasions occurred in which fines were paid to the Company in consequence of treaties; and it was necessary to authorize the receipt of the same in the Company's treasury, as an open and known proceeding. It was never dreamed that this should justify the taking of bribes, privately and clandestinely, by the Governor, or any other servant of the Company, for the purpose of its future application to the Company's use. It is declared that all such bribes and money received should be the property of the Company. And why? As a means of recovering them out of the corrupt hands that had taken them. And therefore this was not a license for bribery, but a prohibitory and penal clause, providing the means of coercion, and making the prohibition stronger. Now Mr. Hastings has found out that this very coercive clause, which was made in order to enable his superiors to get at him and punish him for bribery, is a license for him to receive bribes. He is not only a practitioner of bribery, but a professor, a doctor upon the subject. His opinion is, that he might take presents or bribes to himself; he considers the penal clause which the Company attached to their prohibition, and by which all such bribes are constructively declared to be theirs, in order to recover them out of his hands, as a license to receive bribes, to extort money; and he goes with the very

prohibition in his hand, the very means by which he was to be restrained, to exercise an unlimited bribery, peculation, and extortion over the unhappy natives of the country.

The moment he finds that the Company has got a scent of any one of his bribes, he comes forward and says, "To be sure, I took it as a bribe; I admit the party gave me it as a bribe: I concealed it for a time, because I thought it was for the interest of the Company to conceal it; but I had a secret intention, in my own mind, of applying it to their service: you shall have it; but you shall have it as I please, and when I please; and this bribe becomes sanctified the moment I think fit to apply it to your service." Now can it be supposed that the India Company, or that the act of Parliament, meant, by declaring that the property taken by a corrupt servant, contrary to the true intent of his covenant, was theirs, to give a license to take such property, — and that one mode of obtaining a revenue was by the breach of the very covenants which were meant to prevent extortion, peculation, and corruption? What sort of body is the India Company, which, coming to the verge of bankruptcy by the robbery of half the world, is afterwards to subsist upon the alms of peculation and bribery, to have its strength recruited by the violation of the covenants imposed upon its own servants? It is an odd sort of body to be so fed and so supported. This new constitution of revenue that he has made is indeed a very singular contrivance. It is a revenue to be collected by any officer of the Company, (for they are all alike forbidden, and all alike permitted,) — to be collected by any person, from any person, at any time, in any proportion, by any means, and in

any way he pleases; and to be accounted for, or not to be accounted for, at the pleasure of the collector, and, if applied to their use, to be applied at his discretion, and not at the discretion of his employers. I will venture to say that such a system of revenue never was before thought of. The next part is an exchequer, which he has formed, corresponding with it. You will find the board of exchequer made up of officers ostensibly in the Company's service, of their public accountant and public treasurer, whom Mr. Hastings uses as an accountant and treasurer of bribes, accountable, not to the Company, but to himself, acting in no public manner, and never acting but upon his requisition, concealing all his frauds and artifices to prevent detection and discovery. In short, it is an exchequer in which, if I may be permitted to repeat the words I made use of on a former occasion, extortion is the assessor, in which fraud is the treasurer, confusion the accountant, oblivion the remembrancer. That these are not mere words, I will exemplify as I go through the detail: I will show you that every one of the things I have stated are truths, in fact, and that these men are bound by the condition of their recognized fidelity to Mr. Hastings to keep back his secrets, to change the accounts, to alter the items, to make him debtor or creditor at pleasure, and by that means to throw the whole system of the Company's accounts into confusion.

I have shown the impossibility of the Company's having intended to authorize such a revenue, much less such a constitution of it as Mr. Hastings has drawn from the very prohibitions of bribery, and such an exchequer as he has formed upon the principles I

have stated. You will not dishonor the legislature or the Company, be it what it may, by thinking that either of them could give any sanction to it. Indeed, you will not think that such a device could ever enter into the head of any rational man. You are, then, to judge whether it is not a device to cover guilt, to prevent detection by destroying the means of it; and at the same time your Lordships will judge whether the evidence we bring you to prove that revenue is a mere pretext be not stronger than the strange, absurd reasons which he has produced for forming this new plan of an exchequer of bribery.

My Lords, I am now going to read to you a letter in which Mr. Hastings declares his opinion upon the operation of the act, which he now has found the means, as he thinks, of evading. My Lords, I will tell you, to save you a good deal of reading, that there was certain prize-money given by Sujah ul Dowlah to a body of the Company's troops serving in the field, — that this prize-money was to be distributed among them; but upon application being made to Mr. Hastings for his opinion and sanction in the distribution, Mr. Hastings at first seemed inclined to give way to it, but afterwards, upon reading and considering the act of Parliament, before he allowed the soldiery to receive this public donation, he thus describes his opinion of the operation of the act.

Extract of a Letter from Mr. Hastings to Colonel Champion, 31 *August*, 1774.

"Upon a reference to the new act of Parliament, I was much disappointed and sorry to find that our intentions were entirely defeated by a clause in the

act, (to be in force after the 1st of August, 1774,) which divests us of the power to grant, and expressly prohibits the army to receive, the Nabob's intended donation. Agreeable to the positive sense of this clause, notwithstanding it is expressed individually, there is not a doubt but the army is included with all other persons in the prohibition from receiving presents or donations; a confirmation of which is, that in the clause of exceptions, wherein 'counsellors-at-law, physicians, surgeons, and chaplains are permitted to receive the fees annexed to their profession,' no mention whatever is made of any latitude given to the army, or any circumstances wherein it would be allowable for them to receive presents. . . . . This unlucky discovery of an exclusion by act of Parliament, which admits of no abatement or evasion wherever its authority extends, renders a revisal of our proceedings necessary, and leaves no option to our decision. It is not like the ordinances of the Court of Directors, where a favorable construction may be put, and some room is left for the interposition of the authority vested in ourselves, — but positive and decisive, admitting neither of refinement nor misconstruction. I should be happy, if in this instance a method could be devised of setting the act aside, which I should most willingly embrace; but, in my opinion, an opposition would be to incur the penalty."

Your Lordships see, Mr. Hastings considered this act to be a most unlucky discovery: indeed, as long as it remained in force, it would have been unlucky for him, because it would have destroyed one of the principal sources of his illegal profits. Why does he consider it unlucky? Because it admits of no reser-

vation, no exception, no refinement whatever, but is clear, positive, decisive. Now in what case was it that Mr. Hastings made this determination? In the case of a donation publicly offered to an army serving in the field by a prince then independent of the Company. If ever there was a circumstance in which any refinement, any favorable construction of the act could be used, it was in favor of a body of men serving in the field, fighting for their country, spilling their blood for it, suffering all the inconveniences of that climate. It was undoubtedly voluntarily offered to them by the party, in the height of victory, and enriched by the plunder of whole provinces. I believe your Lordships will agree with me, that, if any relaxation, any evasion, of an act of Parliament could be allowed, if the intention of the legislature could for a moment be trifled with, or supposed for a moment doubtful, it was in this instance; and yet, upon the rigor of the act, Mr. Hastings refuses that army the price of their blood, money won solely almost by their arms for a prince who had acquired millions by their bravery, fidelity, and sufferings. This was the case in which Mr. Hastings refused a public donation to the army; and from that day to this they have never received it.

If the receipt of this public donation could be thus forbidden, whence has Mr. Hastings since learned that he may privately take money, and take it not only from princes, and persons in power, and abounding in wealth, but, as we shall prove, from persons in a comparative degree of penury and distress? that he could take it from persons in office and trust, whose power gave them the means of ruining the people for the purpose of enabling themselves to pay

it? Consider in what a situation the Company must be, if the Governor-General can form such a secret exchequer of direct bribes, given *eo nomine* as bribes, and accepted as such, by the parties concerned in the transaction, to be discovered only by himself, and with only the inward reservation that I have spoken of.

In the first place, if Mr. Hastings should die without having made a discovery of all his bribes, or if any other servant of the Company should imitate his example without his heroic good intentions in doing such villanous acts, how is the Company to recover the bribe-money? The receivers need not divulge it till they think fit; and the moment an informer comes, that informer is ruined. He comes, for instance, to the Governor-General and Council, and charges, say, not Mr. Hastings, but the head of the Board of Revenue, with receiving a bribe. "Receive a bribe? So I did; but it was with an intention of applying it to the Company's service. There I nick the informer: I am beforehand with him: the bribe is sanctified by my inward jesuitical intention. I will make a merit of it with the Company. I have received 40,000*l.* as a bribe; there it is for you: I am acquitted; I am a meritorious servant: let the informer go and seek his remedy as he can." Now, if an informer is once instructed that a person who receives bribes can turn them into merit, and take away his action from him, do you think that you ever will or can discover any one bribe? But what is still worse, by this method disclose but one bribe, and you secure all the rest that you possibly can receive upon any occasion. For instance, strong report prevails that a bribe of 40,000*l.* has been given,

and the receiver expects that information will be laid against him. He acknowledges that he has received a bribe of 40,000*l.*, but says that it was for the service of the Company, and that it is carried to their account. And thus, by stating that he has taken some money which he has accounted for, but concealing from whom that money came, which is exactly Mr. Hastings's case, if at last an information should be laid before the Company of a specific bribe having been received of 40,000*l.*, it is said by the receiver, "Lord! this is the 40,000*l.* I told you of: it is broken into fragments, paid by instalments; and you have taken it and put it into your own coffers."

Again, suppose him to take it through the hand of an agent, such as Gunga Govind Sing, and that this agent, who, as we have lately discovered, out of a bribe of 40,000*l.*, which Mr. Hastings was to have received, kept back half of it, falls into their debt like him: I desire to know what the Company can do in such a case. Gunga Govind Sing has entered into no covenants with the Company. There is no trace of his having this money, except what Mr. Hastings chooses to tell. If he is called upon to refund it to the Company, he may say he never received it, that he was never ordered to extort this money from the people; or if he was under any covenant not to take money, he may set up this defence: "I am forbidden to receive money; and I will not make a declaration which will subject me to penalties": or he may say in India, before the Supreme Court, "I have paid the bribe all to Mr. Hastings"; and then there must be a bill and suit there, a bill and suit here, and by that means, having one party on one side the water and the other

party on the other, the Company may never come to a discovery of it. And that in fact this is the way in which one of his great bribe-agents has acted I shall prove to your Lordships by evidence.

Mr. Hastings had squeezed out of a miserable country a bribe of 40,000*l.*, of which he was enabled to bring to the account of the Company only 20,000*l.*, and of which we should not even have known the existence, if the inquiries pursued with great diligence by the House of Commons had not extorted the discovery: and even now that we know the fact, we can never get at the money; the Company can never receive it; and before the House had squeezed out of him that some such money had been received, he never once told the Court of Directors that his black bribe-agent, whom he recommended to their service, had cheated both them and him of 20,000*l.* out of the fund of the bribe-revenue. If it be asked, Where is the record of this? Record there is none. In what office is it entered? It is entered in no office; it is mentioned as privately received for the Company's benefit: and you shall now further see what a charming office of receipt and account this new exchequer of Mr. Hastings's is.

For there is another and a more serious circumstance attending this business. Every one knows, that, by the law of this, and, I believe, of every country, any money which is taken illegally from any person, as every bribe or sum of money extorted or paid without consideration is, belongs to the person who paid it, and he may bring his action for it, and recover it. Then see how the Company stands. The Company receives a bribe of 40,000*l.* by Mr. Hastings; it is carried to its account; it turns brib-

ery into a revenue; it sanctifies it. In the mean time, the man from whom this money is illegally taken sues Mr. Hastings. Must not he recover of Mr. Hastings? Then, if so, must not Mr. Hastings recover it again from the Company? The Company undoubtedly is answerable for it. And here is a revenue which every man who has paid it may drag out of the treasury again. Mr. Hastings's donations of his bribes to the treasury are liable to be torn from it at pleasure by every man who gives the money. First it may be torn from him who receives it; and then he may recover it from the treasury, to which he has given it.

But admitting that the taking of bribes can be sanctified by their becoming the property of the Company, it may still be asked, For what end and purpose has the Company covenanted with Mr. Hastings that money taken extorsively shall belong to the Company? Is it that satisfaction and reparation may be awarded against the said Warren Hastings to the said Company for their own benefit? No: it is for the benefit of the injured persons; and it is to be carried to the Company's account, "but in trust, nevertheless, and to the intent that the said Company may and do render and pay over the moneys received or recovered by them to the parties injured or defrauded, which the said Company accordingly hereby agree and covenant to do." Now here is a revenue to be received by Mr. Hastings for the Company's use, applied at his discretion to that use, and which the Company has previously covenanted to restore to the persons that are injured and damaged. This is a revenue which is to be torn away by the action of any person, — a revenue which

they must return back to the person complaining, as they in justice ought to do: for no nation ever avowed making a revenue out of bribery and peculation. They are, then, to restore it back again. But how can they restore it? Mr. Hastings has applied it: he has given it in presents to princes, — laid it out in budgeros, — in pen, ink, and wax, — in salaries to secretaries: he has laid it out just in any way he pleased: and the India Company, who have covenanted to restore all this money to the persons from whom it came, are deprived of all means of performing so just a duty. Therefore I dismiss the idea that any man so acting could have had a good intention in his mind: the supposition is too weak, senseless, and absurd. It was only in a desperate cause that he made a desperate attempt: for we shall prove that he never made a disclosure without thinking that a discovery had been previously made or was likely to be made, together with an exposure of all the circumstances of his wicked and abominable concealment.

You will see the history of this new scheme of bribery, by which Mr. Hastings contrived by avowing some bribes to cover others, attempted to outface his delinquency, and, if possible, to reconcile a weak breach of the laws with a sort of spirited observance of them, and to become infamous for the good of his country.

The first appearance of this practice of bribery was in a letter of the 29th of November, 1780. The cause which led to the discovery was a dispute between him and Mr. Francis at the board, in consequence of a very handsome offer made by Mr. Hastings to the board relative to a measure proposed by

him, to which he found one objection to be the money that it would cost. He made the most generous and handsome offer, as it stands upon record, that perhaps any man ever made, — namely, that he would defray the expense out of his own private cash, and that he had deposited with the treasurer two lac of rupees. This was in June, 1780, and Mr. Francis soon after returned to Europe. I need not inform your Lordships, that Mr. Hastings had before this time been charged with bribery and peculation by General Clavering, Colonel Monson, and Mr. Francis. He suspected that Mr. Francis, then going to Europe, would confirm this charge by the suspicious nature and circumstances of this generous offer; and this suspicion was increased by the connection which he supposed, and which we can prove he thought, Mr. Francis had with Cheyt Sing. Apprehending, therefore, that he might discover and bring the bribe to light some way or other, he resolved to anticipate any such discovery by declaring, upon the 29th of November, that this money was not his own. I will mention to your Lordships hereafter the circumstances of this money. He says, "My present reason for adverting to my conduct," (that is, his offer of two lac of rupees out of his own private cash for the Company's service, upon the 26th of June, 1780,) "on the occasion I have mentioned, is to obviate the false conclusions or purposed misrepresentations which may be made of it, either as an artifice of ostentation or as the effect of corrupt influence, by assuring you that the money, by whatever means it came into your possession, was not my own, — that I had myself no right to it, nor would or could have received it, but for the occasion, which prompted me to avail myself of the accidental means

which were at that instant afforded me of accepting and converting it to the property and use of the Company: and with this brief apology I shall dismiss the subject."

My Lords, you see what an account Mr. Hastings has given of some obscure transaction by which he contradicts the record. For, on the 26th of June, he generously, nobly, full of enthusiasm for their service, offers to the Company money of his own. On the 29th of November he tells the Court of Directors that the money he offered on the former day was not his own, — that his assertion was totally false, — that the money was not his, — that he had no right to receive it, — and that he would not have received it, but for the occasion, which prompted him to avail himself of the accidental means which at that instant offered.

Such is the account sent by their Governor in India, acting as an accountant, to the Company, — a company with whom everything is matter of account. He tells them, indeed, that the sum he had offered was not his own, — that he had no right to it, — and that he would not have taken it, if he had not been greatly tempted by the occasion; but he never tells them by what means he came at it, the person from whom he received it, the occasion upon which he received it, (whether justifiable or not,) or any one circumstance under heaven relative to it. This is a very extraordinary account to give to the public of a sum which we find to be somewhere above twenty thousand pounds, taken by Mr. Hastings in some way or other. He set the Company blindly groping in the dark by the very pretended light, the ignis-fatuus, which he held out to them: for at that time all was in the dark, and in a cloud: and this is what Mr.

Hastings calls *information* communicated to the Company on the subject of these bribes.

You have heard of obscurity illustrated by a further obscurity, — *obscurum per obscurius*. He continues to tell them, — "Something of affinity to this anecdote may appear in the first aspect of another transaction, which I shall proceed to relate, and of which it is more immediately my duty to inform you." He then tells them that he had contrived to give a sum of money to the Rajah of Berar, and the account he gives of that proceeding is this. "We had neither money to spare, nor, in the apparent state of that government in its relation to ours, would it have been either prudent or consistent with our public credit to have afforded it. It was, nevertheless, my decided opinion that some aid should be given, not less as a necessary relief than as an indication of confidence, and a return for the many instances of substantial kindness which we had within the course of the two last years experienced from the government of Berar. I had an assurance that such a proposal would receive the acquiescence of the board; but I knew that it would not pass without opposition, and it would have become public, which might have defeated its purpose. Convinced of the necessity of the expedient, and assured of the sincerity of the government of Berar, from evidences of stronger proof to me than I could make them appear to the other members of the board, I resolved to adopt it, and take the entire responsibility of it upon myself. In this mode a less considerable sum would suffice. I accordingly caused three lac of rupees to be delivered to the minister of the Rajah of Berar resident in Calcutta. He has transmitted it to Cuttack. Two thirds of this

sum I have raised by my own credit, and shall charge it in my official accounts; the other third I have supplied from the cash in my hands belonging to the Honorable Company."

Your Lordships see in this business another mode which he has of accounting with the Company, and informing them of his bribe. He begins his account of this transaction by saying that it has something of affinity to the last anecdote, — meaning the account of the first bribe. An anecdote is made a head of an account; and this, I believe, is what none of your Lordships ever have heard of before, — and I believe it is yet to be learned in this commercial nation, a nation of accurate commercial account. The account he gives of the first is an anecdote; and what is his account of the second? A relation of an anecdote: not a near relation, but something of affinity, — a remote relation, cousin three or four times removed, of the half-blood, or something of that kind, to this anecdote: and he never tells them any circumstance of it whatever of any kind, but that it has some affinity to the former anecdote. But, my Lords, the thing which comes to some degree of clearness is this, that he did give money to the Rajah of Berar. And your Lordships will be so good as to advert carefully to the proportions in which he gave it. He did give him two lac of rupees of money raised by his own credit, his own money; and the third he advanced out of the Company's money in his hands. He might have taken the Company's money undoubtedly, fairly, openly, and held it in his hands, for a hundred purposes; and therefore he does not tell them that even that third was money he had obtained by bribery and corruption. No: he says it is money of the Com-

pany's, which he had in his hand. So that you must get through a long train of construction before you ascertain that this sum was what it turns out to be, a bribe, which he retained for the Company. Your Lordships will please to observe, as I proceed, the nature of this pretended generosity in Mr. Hastings. He is always generous in the same way. As he offered the whole of his first bribe as his own money, and afterward acknowledged that no part of it was his own, so he is now generous again in this latter transaction, — in which, however, he shows that he is neither generous nor just. He took the first money without right, and he did not apply it to the very service for which it was pretended to be taken. He then tells you of another anecdote, which, he says, has an affinity to that anecdote, and here he is generous again. In the first he appears to be generous and just, because he appears to give his own money, which he had a right to dispose of; then he tells you he is neither generous nor just, for he had taken money he had no right to, and did not apply it to the service for which he pretended to have received it. And now he is generous again, because he gives two lac of his own money, — and just, because he gives one lac which belonged to the Company; but there is not an idea suggested from whom he took it.

But to proceed, my Lords. In this letter he tells you he had given two thirds his own money and one third the Company's money. So it stood upon the 29th of November, 1780. On the 5th of January following we see the business take a totally different turn; and then Mr. Hastings calls for three Company's bonds, upon two different securities, antedated to the 1st and 2d of October, for the three lac, which

he before told them was two thirds his own money and one third the Company's. He now declares the whole of it to be his own, and he thus applies by letter to the board, of which he himself was a majority.

"Honorable Sir and Sirs, — Having had occasion to disburse the sum of three lacs of sicca rupees on account of secret services, which having been advanced from my own private cash, I request that the same may be repaid to me in the following manner.

"A bond to be granted me upon the terms of the second loan, bearing date from 1st October, for one lac of sicca rupees.

"A bond to be granted me upon the terms of the first loan, bearing date from 1st October, for one lac of sicca rupees.

"A bond to be granted me upon the terms of the first loan, bearing date from the 2d October, for one lac of sicca rupees."

Here are two accounts, one of which must be directly and flatly false: for he could not have given two thirds his own, and have supplied the other third from money of the Company's, and at the same time have advanced the whole as his own. He here goes the full length of the fraud: he declares that it is all his own, — so much his own that he does not trust the Company with it, and actually takes their bonds as a security for it, bearing an interest to be paid to him when he thinks proper.

Thus it remained from the 5th of January, 1781, till 16th December, 1782, when this business takes another turn, and in a letter of his to the Company these bonds become all their own. All the money ad-

vanced is now, all of it, the Company's money. First he says two thirds were his own; next, that the whole is his own; and the third account is, that the whole is the Company's, and he will account to them for it.

Now he has accompanied this account with another very curious one. For when you come to look into the particulars of it, you will find there are three bonds declared to be the Company's bonds, and which refer to the former transactions, namely, the money for which he had taken the bonds; but when you come to look at the numbers of them, you will find that one of the three bonds which he had taken as his own disappears, and another bond, of another date, and for a much larger sum, is substituted in its place, of which he had never mentioned anything whatever. So that, taking his first account, that two thirds is his own money, then that it is all his own, in the third that it is all the Company's money, by a fourth account, given in a paper describing the three bonds, you will find that there is one lac which he does not account for, but substitutes in its place a bond before taken as his own. He sinks and suppresses one bond, he gives two bonds to the Company, and to supply the want of the third, which he suppresses, he brings forward a bond for another sum, of another date, which he had never mentioned before. Here, then, you have four different accounts: if any one of them is true, every one of the other three is totally false. Such a system of cogging, such a system of fraud, such a system of prevarication, such a system of falsehood, never was, I believe, before exhibited in the world.

In the first place, why did he take bonds at all from the Company for the money that was their own? I must be cautious how I charge a legal crime. I will

not charge it to be forgery, to take a bond from the Company for money which was their own. He was employed to make out bonds for the Company, to raise money on their credit. He pretends he lent them a sum of money, which was not his to lend: but he gives their own money to them as his own, and takes a security for it. I will not say that it is a forgery, but I am sure it is an offence as grievous, because it is as much a cheat as a forgery, with this addition to it, that the person so cheating is in a trust; he violates that trust, and in so doing he defrauds and falsifies the whole system of the Company's accounts.

I have only to show what his own explanation of all these actions was, because it supersedes all observation of mine. Hear what prevaricating guilt says for the falsehood and delusion which had been used to cover it; and see how he plunges deeper and deeper upon every occasion. This explanation arose out of another memorable bribe, which I must now beg leave to state to your Lordships.

About the time of the receipt of the former bribes, good fortune, as good things seldom come singly, is kind to him; and when he went up and had nearly ruined the Company's affairs in Oude and Benares, he received a present of 100,000*l.* sterling, or thereabouts. He received bills for it in September, 1781, and he gives the Company an account of it in January, 1782. Remark in what manner the account of this money was given, and the purposes for which he intends to apply it. He says, in this letter, "I received the offer of a considerable sum of money, both on the Nabob's part and that of his ministers, as a present to myself, not to the Company: I accepted it

without hesitation, and gladly, being entirely destitute both of means and credit, whether for your service or the relief of my own necessities." My Lords, upon this you shall hear a comment, made by some abler persons than me. This donation was not made in species, but in bills upon the house of Gopaul Doss, who was then a prisoner in the hands of Cheyt Sing. After mentioning that he took this present for the Company, and for their exigencies, and partly for his own necessities, and in consequence of the distress of both, he desires the Company, in the moment of this their greatest distress, to award it to him, and therefore he ends, "If you should adjudge the deposit to me, I shall consider it as the most honorable approbation and reward of my labors: and I wish to owe my fortune to your bounty. I am now in the fiftieth year of my life: I have passed thirty-one years in the service of the Company, and the greatest part of that time in employments of the highest trust. My conscience allows me boldly to claim the merit of zeal and integrity; nor has fortune been unpropitious to their exertions. To these qualities I bound my pretensions. I shall not repine, if you shall deem otherwise of my services; nor ought your decision, however it may disappoint my hope of a retreat adequate to the consequence and elevation of the office which I now possess, to lessen my gratitude for having been so long permitted to hold it, since it has at least enabled me to lay up a provision with which I can be contented in a more humble station."

And here your Lordships will be pleased incidentally to remark the circumstance of his condition of life and his fortune, to which he appeals, and upon account of which he desires this money. Your Lord-

ships will remember that in 1773 he said, (and this I stated to you from himself,) that, if he held his then office for a very few years, he should be enabled to lay by an ample provision for his retreat. About nine years after that time, namely, in the month of January, 1782, he finds himself rather pinched with want, but, however, not in so bad a way but that the holding of his office had enabled him to lay up a provision with which he could be contented in a more humble station. He wishes to have affluence; he wishes to have dignity; he wishes to have consequence and rank: but he allows that he has competence. Your Lordships will see afterwards how miserably his hopes were disappointed: for the Court of Directors, receiving this letter from Mr. Hastings, did declare, that they could not give it to him, because the act had ordered that "no fees of office, perquisites, emoluments, or advantages whatsoever, should be accepted, received, or taken by such Governor-General and Council, or any of them, in any manner or on any account or pretence whatsoever"; "and as the same act further directs, 'that no Governor-General, or any of the Council, shall directly take, accept, or receive, of or from any person or persons, in any manner or on any account whatsoever, any present, gift, donation, gratuity, or reward, pecuniary or otherwise, or any promise or engagement for any present, gift, donation, gratuity, or reward,' we cannot, were we so inclined, decree the amount of this present to the Governor-General. And it is further enacted, 'that any such present, gift, gratuity, donation, or reward, accepted, taken, or received, shall be deemed and construed to have been received to and for the sole use of the Com-

pany.'" And therefore they resolved, most unjustly and most wickedly, to keep it to themselves. The act made it in the first instance the property of the Company, and they would not give it him. And one should think this, with his own former construction of the act, would have made him cautious of taking bribes. You have seen what weight it had with him to stop the course of bribes which he was in such a career of taking in every place and with both hands.

Your Lordships have now before you this hundred thousand pounds, disclosed in a letter from Patna, dated the 20th January, 1782. You find mystery and concealment in every one of Mr. Hastings's discoveries. For (which is a curious part of it) this letter was not sent to the Court of Directors in their packet regularly, but transmitted by Major Fairfax, one of his agents, to Major Scott, another of his agents, to be delivered to the Company. Why was this done? Your Lordships will judge, from that circuitous mode of transmission, whether he did not thereby intend to leave some discretion in his agent to divulge it or not. We are told he did not; but your Lordships will believe that or not, according to the nature of the fact. If he had been anxious to make this discovery to the Directors, the regular way would have been to send his letter to the Directors immediately in the packet: but he sent it in a box to an agent; and that agent, upon due discretion, conveyed it to the Court of Directors. Here, however, he tells you nothing about the persons from whom he received this money, any more than he had done respecting the two former sums.

On the 2d of May following the date of this Patna letter he came down to Calcutta with a mind, as he

himself describes it, greatly agitated. All his hope of plundering Benares had totally failed. The produce of the robbing of the Begums, in the manner your Lordships have heard, was all dissipated to pay the arrears of the armies: there was no fund left. He felt himself agitated and full of dread, knowing that he had been threatened with having his place taken from him several times, and that he might be called home to render an account. He had heard that inquiries had begun in a menacing form in Parliament; and though at that time Bengal was not struck at, there was a charge of bribery and peculation brought against the Governor of Madras. With this dread, with a mind full of anxiety and perturbation, he writes a letter, as he pretends, on the 22d of May, 1782. Your Lordships will remark, that, when he came down to Calcutta from his expedition up the country, he did not till the 22d of May give any account whatever of these transactions, — and that this letter, or pretended letter, of the 22d of May was not sent till the 16th of December following. We shall clearly prove that he had abundant means of sending it, and by various ways, before the 16th of December, 1782, when he inclosed in another letter that of the 22d of May. This is the letter of discovery; this is the letter by which his breast was to be laid open to his employers, and all the obscurity of his transactions to be elucidated. Here are indeed new discoveries, but they are like many new-discovered lands, exceedingly inhospitable, very thinly inhabited, and producing nothing to gratify the curiosity of the human mind.

This letter is addressed to the Honorable the Court of Directors, dated Fort William, 22d May,

1782. He tells them he had promised to account for the ten lacs of rupees which he had received, and this promise, he says, he now performs, and that he takes that opportunity of accounting with them likewise for several other sums which he had received. His words are, —

"This promise I now perform, and, deeming it consistent with the spirit of it, I have added such other sums as have been occasionally converted to the Company's property through my means, in consequence of the like original destination. Of the second of these sums you have already been advised in a letter which I had the honor to address the Honorable Court of Directors, dated 29th November, 1780. Both this and the third article were paid immediately to the treasury, by my order to the subtreasurer to receive them on the Company's account, but never passed through my hands. The three sums for which bonds were granted were in like manner paid to the Company's treasury, without passing through my hands, but their *application* was not specified. The sum of 50,000 current rupees was received while I was on my journey to Benares, and applied as expressed in the account.

"As to the manner in which these sums have been expended, the reference which I have made of it in the accompanying account, to the several accounts in which they are credited, renders any other specification of it unnecessary, — *besides* that those accounts either have or will have received a much stronger authentication than any that I could give to mine."

I wish your Lordships to attend to the next paragraph, which is meant by him to explain why he took bribes at all, — why he took bonds for some of them,

as moneys of his own, and not moneys of the Company, — why he entered some upon the Company's accounts, and why of the others he renders no account at all. Light, however, will beam upon you as we proceed.

"Why these sums were taken by me, — why they were, except the second, quietly transferred to the Company's use, — why bonds were taken for the first, and not for the rest, — might, were this matter exposed to the view of the public, furnish a variety of conjectures, to which it would be of little use to reply. Were your Honorable Court to question me on these points, I would answer, that the sums were taken for the Company's benefit, at times when the Company very much needed them, — that I either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or possibly acted without any studied design which my memory could at this distance of time verify, and that I did not think it worth my care to observe the same means with the rest. I trust, Honorable Sirs, to your breasts for a candid interpretation of my actions, — and assume the freedom to add, that I think myself, on such a subject, on such *an occasion*, entitled to it."

Lofty, my Lords! You see, that, after the Directors had expected an explanation for so long a time, he says, "Why these sums were taken by me, and, except the second, quietly transferred to the Company's use, I cannot tell; why bonds were taken for the first, and not for the rest, I cannot tell: if this matter were exposed to view, it would furnish a variety of conjectures." Here is an account which is to explain the most obscure, the most mysterious, the most evidently fraudulent transactions. When asked how he came to take these bonds, how he came

to use these frauds, he tells you he really does not know, — that he might have this motive for it, that he might have another motive for it, — that he wished to conceal it from public curiosity, — but, which is the most extraordinary, he is not quite sure that he had any motive for it at all, which his memory can trace. The whole of this is a period of a year and a half; and here is a man who keeps his account upon principles of whim and vagary. One would imagine he was guessing at some motive of a stranger. Why he came to take bonds for money not due to him, and why he enters some and not others, — he knows nothing of these things: he begs them not to ask about it, because it will be of no use. "You foolish Court of Directors may conjecture and conjecture on. You are asking me why I took bonds to myself for money of yours, why I have cheated you, why I have falsified my account in such a manner. I will not tell you."

In the satisfaction which he had promised to give them he neither mentions the persons, the times, the occasions, or motives for any of his actions. He adds, "I did not think it worth my care to observe the same means with the rest." For some purposes, he thought it necessary to use the most complicated and artful concealments; for some, he could not tell what his motives were; and for others, that it was mere carelessness. Here is the exchequer of bribery! — have I falsified any part of my original stating of it? — an exchequer in which the man who ought to pay receives, the man who ought to give security takes it, the man who ought to keep an account says he has forgotten; an exchequer in which oblivion was the remembrancer; and, to sum up the whole, an

exchequer into the accounts of which it was useless to inquire. This is the manner in which the account of near two hundred thousand pounds is given to the Court of Directors. You can learn nothing in this business that is any way distinct, except a premeditated design of a concealment of his transactions. That is avowed.

But there is a more serious thing behind. Who were the instruments of his concealment? No other, my Lords, than the Company's public accountant. That very accountant takes the money, knowing it to be the Company's, and that it was only pretended to be advanced by Mr. Hastings for the Company's use. He sees Mr. Hastings make out bonds to himself for it, and Mr. Hastings makes him enter him as creditor, when in fact he was debtor. Thus he debauches the Company's accountant, and makes him his confederate. These fraudulent and corrupt acts, covered by false representations, are proved to be false not by collation with anything else, but false by a collation with themselves. This, then, is the account, and his explanation of it; and in this insolent, saucy, careless, negligent manner, a public accountant like Mr. Hastings, a man bred up a book-keeper in the Company's service, who ought to be exact, physically exact, in his account, has not only been vicious in his own account, but made the public accounts vicious and of no value.

But there is in this account another curious circumstance with regard to the deposit of this sum of money, to which he referred in his first paragraph of his letter of the 29th of November, 1780. He states that this deposit was made and passed into the hands of Mr. Larkins on the 1st of June. It did so;

but it is not entered in the Company's accounts till November following. Now in all that intermediate space where was it? what account was there of it? It was entirely a secret between Mr. Larkins and Mr. Hastings, without a possibility of any one discovering any particular relative to it. Here is an account of two hundred thousand pounds received, juggled between the accountant and him, without a trace of it appearing in the Company's books. Some of those committees, to whom, for their diligence at least, I must say the public have some obligation, and in return for which they ought to meet with some indulgence, examining into all these circumstances, and having heard that Mr. Hastings had deposited a sum of money in the hands of the Company's subtreasurer in the month of June, sent for the Company's books. They looked over those books, but they did not find the least trace of any such sum of money, and not any account of it: nor could there be, because it was not paid to the Company's account till the November following. The accountant had received the money, but never entered it from June till November. Then, at last, have we an account of it. But was it even then entered regularly upon the Company's accounts? No such thing: it is a deposit carried to the Governor-General's credit.

[*The entry of the several species in which this deposit was made was here read from the Company's General Journal of* 1780 *and* 1781.]

My Lords, when this account appears at last, when this money does emerge in the public accounts, whose is it? Is it the Company's? No: Mr. Hast-

ings's. And thus, if, notwithstanding this obscure account in November, the Directors had claimed and called for this affinity to an anecdote, — if they had called for this anecdote and examined the account, — if they had said, "We observe here entered two lac and upwards; come, Mr. Hastings, let us see where this money is," — they would find that it is Mr. Hastings's money, not the Company's; they would find that it is carried to his credit. In this manner he hands over this sum, telling them, on the 22d of May, 1782, that not only the bonds were a fraud, but the deposit was a fraud, and that neither bonds nor deposit did in reality belong to him. Why did he enter it at all? Then, afterwards, why did he not enter it as the Company's? Why make a false entry, to enter it as his own? And how came he, two years after, when he does tell you that it was the Company's and not his own, to alter the public accounts? But why did he not tell them at that time, when he pretends to be opening his breast to the Directors, from whom he received it, or say anything to give light to the Company respecting it? who, supposing they had the power of dispensing with an act of Parliament, or licensing bribery at their pleasure, might have been thereby enabled to say, "Here you ought to have received it, — there it might be oppressive and of dreadful example."

I have only to state, that, in this letter, which was pretended to be written on the 22d of May, 1782, your Lordships will observe that he thinks it his absolute duty (and I wish to press this upon your Lordships, because it will be necessary in a comparison which I shall have hereafter to make) to lay open all their affairs to them, to give them a full

and candid explanation of his conduct, which he afterwards confesses he is not able to do. The paragraph has been just read to you. It amounts to this: "I have taken many bribes, — have falsified your accounts, — have reversed the principle of them in my own favor; I now discover to you all these my frauds, and think myself entitled to your confidence upon this occasion." Now all the principles of diffidence, all the principles of distrust, nay, more, all the principles upon which a man may be convicted of premeditated fraud, and deserve the severest punishment, are to be found in this case, in which he says he holds himself to be entitled to their confidence and trust. If any of your Lordships had a steward who told you he had lent you your own money, and had taken bonds from you for it, and if he afterwards told you that that money was neither yours nor his, but extorted from your tenants by some scandalous means, I should be glad to know what your Lordships would think of such a steward, who should say, "I will take the freedom to add, that I think myself, on such a subject, on such an occasion, entitled to your confidence and trust." You will observe his cavalier mode of expression. Instead of his exhibiting the rigor and severity of an accountant and a book-keeper, you would think that he had been a reader of sentimental letters; there is such an air of a novel running through the whole, that it adds to the ridicule and nausea of it: it is an oxymel of squills; there is something to strike you with horror for the villany of it, something to strike you with contempt for the fraud of it, and something to strike you with utter disgust for the vile and bad taste with which all these base ingredients are assorted.

Your Lordships will see, when the account which is subjoined to this unaccountable letter comes before you, that, though the Company had desired to know the channels through which he got those sums, there is not (except by a reference that appears in another place to one of the articles) one single syllable of explanation given from one end to the other, there is not the least glimpse of light thrown upon these transactions. But we have since discovered from whom he got these bribes; and your Lordships will be struck with horror, when you hear it.

I have already remarked to you, that, though this letter is dated upon the 22d of May, it was not dispatched for Europe till December following; and he gets Mr. Larkins, who was his agent and instrument in falsifying the Company's accounts, to swear that this letter was written upon the 22d of May, and that he had no opportunity to send it, but by the "Lively" in December. On the 16th of that month he writes to the Directors, and tells them that he is quite shocked to find he had no earlier opportunity of making this discovery, which he thought himself bound to make; though this discovery, respecting some articles of it, had now been delayed nearly two years, and though it since appears that there were many opportunities, and particularly by the "Resolution," of sending it. He was much distressed, and found himself in an awkward situation, from an apprehension that the Parliamentary inquiry, which he knew was at this time in progress, might have forced from him this notable discovery. He says, "I do not fear the consequences of any Parliamentary process." Indeed, he needed not to fear any Parliamentary inquiry, if it produced no further discovery than that which your

Lordships have in the letter of the 22d of May, and in the accounts subjoined to it. He says, that "the delay is of no public consequence; but it has produced a situation which, with respect to myself, I regard as unfortunate, because it exposes me to the meanest imputation, from the occasion which the late Parliamentary inquiries have since furnished."

Now here is a very curious letter, that I wish to have read for some other reasons, which will after wards appear, but principally at present for the purpose of showing you that he held it to be his duty and thought it to the last degree dishonorable not to give the Company an account of those secret bribes: he thought it would reflect upon him, and ruin his character forever, if this account did not come voluntarily from him, but was extorted by terror of Parliamentary inquiry. In this letter of the 16th December, 1782, he thus writes.

"The delay is of no public consequence, but it has produced a situation which, with respect to myself, I regard as unfortunate; because it exposes me to the meanest imputation, from the occasion which the late Parliamentary inquiries have since furnished, but which were unknown when my letter was written, and written in the necessary consequence of a promise made to that effect in a former letter to your Honorable Committee, dated 20th January last. However, to preclude the possibility of such reflections from affecting me, I have desired Mr. Larkins, who was privy to the whole transaction, to affix to the letter his affidavit of the date in which it was written. I own I feel most sensibly the mortification of being reduced to the necessity of using such precautions to guard my reputation from dishonor. If I had at any time pos-

sessed that degree of confidence from my immediate employers which they never withheld from the meanest of my predecessors, I should have disdained to use these attentions. How I have drawn on me a different treatment I know not; it is sufficient that I have not merited it. And in the course of a service of thirty-two years, and ten of these employed in maintaining the powers and discharging the duties of the first office of the British government in India, that honorable court ought to know whether I possess the integrity and honor which are the first requisites of such a station. If I wanted these, they have afforded me but too powerful incentives to suppress the information which I now convey to them through you, and to appropriate to my own use the sums which I have already passed to their credit, by the unworthy and, pardon me, if I add, dangerous, reflections which they have passed upon me for the first communication of this kind: and your own experience will suggest to you, that there are persons who would profit by such a warning.

"Upon the whole of these transactions, which to you, who are accustomed to view business in an official and regular light, may appear unprecedented, if not improper, I have but a few short remarks to suggest to your consideration.

"If I appear in any unfavorable light by these transactions, I resign the common and legal security of those who commit crimes or errors. I am ready to answer every particular question that may be put against myself, upon honor or upon oath.

"The sources from which these reliefs to the public service have come would never have yielded them to the Company publicly; and the exigencies of your

service (exigencies created by the exposition of your affairs, and faction in your councils) required those supplies.

"I could have concealed them, had I had a wrong motive, from yours and the public eye forever; and I know that the difficulties to which a spirit of injustice may subject me for my candor and avowal are greater than any possible inconvenience that could have attended the concealment, except the dissatisfaction of my own mind. These difficulties are but a few of those which I have suffered in your service. The applause of my own breast is my surest reward, and was the support of my mind in meeting them. Your applause, and that of my country, are my next wish in life."

Your Lordships will observe at the end of this letter, that this man declares his first applause to be from his own breast, and that he next wishes to have the applause of his employers. But reversing this, and taking their applause first, let us see on what does he ground his hope of their applause? Was it on his former conduct? No: for he says that conduct had repeatedly met with their disapprobation. Was it upon the confidence which he knew they had in him? No: for he says they gave more of their confidence to the meanest of his predecessors. Observe, my Lords, the style of insolence he constantly uses with regard to all mankind. Lord Clive was his predecessor, Governor Cartier was his predecessor, Governor Verelst was his predecessor: every man of them as good as himself: and yet he says the Directors had given "more of their confidence to the *meanest* of his predecessors." But what was to entitle him to their applause? A clear and full explanation of the bribes he had taken. Bribes was to be the

foundation of their confidence in him, and the clear explanation of them was to entitle him to their applause! Strange grounds to build confidence upon! — the rotten ground of corruption, accompanied with the infamy of its avowal! Strange ground to expect applause! — a discovery which was no discovery at all! Your Lordships have heard this discovery, which I have not taken upon me to state, but have read his own letter on the occasion. Has there, at this moment, any light broken in upon you concerning this matter?

But what does he say to the Directors? He says, "Upon the whole of these transactions, which to you, who are accustomed to view business in an official and regular light, may appear unprecedented, if not improper, I have but a few short remarks to suggest to your consideration." He looks upon them and treats them as a set of low mechanical men, a set of low-born book-keepers, as base souls, who in an account call for explanation and precision. If there is no precision in accounts, there is nothing of worth in them. You see he himself is an eccentric accountant, a Pindaric book-keeper, an arithmetician in the clouds. "I know," he says, "what the Directors desire: but they are mean people; they are not of elevated sentiments; they are modest; they avoid ostentation in taking of bribes: I therefore am playing cups and balls with them, letting them see a little glimpse of the bribes, then carrying them fairly away." Upon this he founds the applause of his own breast.

Populus me sibilat; at mihi plaudo
Ipse domi, simul ac nummos contemplor in arca.

That private *ipse plaudo* he may have in this busi-

ness, which is a business of money; but the applause of no other human creature will he have for giving such an account as he admits this to be, — irregular, uncertain, problematical, and of which no one can make either head or tail. He despises us also, who are representatives of the people, and have amongst us all the regular officers of finance, for expecting anything like a regular account from him. He is hurt at it; he considers it as a cruel treatment of him; he says, "Have I deserved this treatment?" Observe, my Lords, he had met with no treatment, if treatment it may be called, from us, of the kind of which he complains. The Court of Directors had, however, in a way shameful, abject, low, and pusillanimous, begged of him, as if they were his dependants, and not his masters, to give them some light into the account; they desire a receiver of money to tell from whom he received it, and how he applied it. He answers, They may be hanged for a parcel of mean, contemptible book-keepers, and that he will give them no account at all. He says, "If you sue me" —— There is the point: he always takes security in a court of law. He considers his being called upon by these people, to whom he ought as a faithful servant to give an account, and to do which he was bound by an act of Parliament specially intrusting him with the administration of the revenues, as a gross affront. He adds, that he is ready to resign his defence, and to answer upon honor or upon oath. Answering upon honor is a strange way they have got in India, as your Lordships may see in the course of this inquiry. But he forgets, that, being the Company's servant, the Company may bring a bill in Chancery against him, and force him upon oath to give an account. He has

not, however, given them light enough or afforded them sufficient ground for a fishing bill in Chancery. Yet he says, "If you call upon me in a Chancery way, or by Common Law, I really will abdicate all forms, and give you some account." In consequence of this the Company did demand from him an account, regularly, and as fully and formally as if they had demanded it in a court of justice. He positively refused to give them any account whatever; and they have never, to this very day in which we speak, had any account that is at all clear or satisfactory. Your Lordships will see, as I go through this scene of fraud, falsification, iniquity, and prevarication, that, in defiance of his promise, which promise they quote upon him over and over again, he has never given them any account of this matter.

He goes on to say (and the threat is indeed alarming) that by calling him to account they may provoke him — to what? "To appropriate," he says, "to my own use the sums which I have already passed to your credit, by the unworthy and, pardon me, if I add, dangerous, reflections which you have passed upon me for the first communication of this kind." They passed no reflections: they said they would neither praise nor blame him, but pressed him for an account of a matter which they could not understand: and I believe your Lordships understand it no more than they, for it is not in the compass of human understanding to conceive or comprehend it. Instead of an account of it, he dares to threaten them: "I may be tempted, if you should provoke me, not to be an honest man, — to falsify your account a second time, and to reclaim those sums which I have passed to your credit, — to alter the account again, by the

assistance of Mr. Larkins." What a dreadful declaration is this of his dominion over the public accounts, and of his power of altering them! a declaration, that, having first falsified those accounts in order to deceive them, and afterwards having told them of this falsification in order to gain credit with them, if they provoke him, he shall take back the money he had carried to their account, and make them his debtors for it! He fairly avows the dominion he has over the Company's accounts; and therefore, when he shall hereafter plead the accounts, we shall be able to rebut that evidence, and say, "The Company's accounts are corrupted by you, through your agent, Mr. Larkins; and we give no credit to them, because you not only told the Company you could do so, but we can prove that you have actually done it." What a strange medley of evasion, pretended discovery, real concealment, fraud, and prevarication appears in every part of this letter!

But admitting this letter to have been written upon the 22d of May, and kept back to the 16th of December, you would imagine that during all that interval of time he would have prepared himself to give some light, some illustration of these dark and mysterious transactions, which carried fraud upon the very face of them. Did he do so? Not at all. Upon the 16th of December, instead of giving them some such clear accounts as might have been expected, he falls into a violent passion for their expecting them; he tells them it would be dangerous; and he tells them they knew who had profited by these transactions: thus, in order to strike terror into their breasts, hinting at some frauds which they had practised or protected. What weight this may have

had with them I know not; but your Lordships will expect in vain, that Mr. Hastings, after giving four accounts, if any one of which is true, the other three must necessarily be false, — after having thrown the Company's accounts into confusion, and being unable to tell, as he says himself, why he did so, — will at last give some satisfaction to the Directors, who continued, in a humble, meek way, giving him hints that he ought to do it. — You have heard nothing yet but the consequences of their refusing to give him the present of a hundred thousand pounds, which he had taken from the Nabob. They did right to refuse it to him; they did wrong to take it to themselves.

We now find Mr. Hastings on the river Ganges, in September, 1784, — that Ganges whose purifying water expiates so many sins of the Gentoos, and which, one would think, would have washed Mr. Hastings's hands a little clean of bribery, and would have rolled down its golden sands like another Pactolus. Here we find him discovering another of his bribes. This was a bribe taken upon totally a different principle, according to his own avowal: it is a bribe not pretended to be received for the use of the Company, — a bribe taken absolutely entirely for himself. He tells them that he had taken between thirty and forty thousand pounds. This bribe, which, like the former, he had taken without right, he tells them that he intends to apply to his own purposes, and he insists upon their sanction for so doing. He says, he had in vain, upon a former occasion, appealed to their honor, liberality, and generosity, — that he now appeals to their justice; and insists upon their decreeing this bribe — which he had taken without telling them from whom, where, or on what account — to his own use.

Your Lordships remember, that in the letter which he wrote from Patna, on the 20th of January, 1782, he there states that he was in tolerable good circumstances, and that this had arisen from his having continued long in their service. Now, he has continued two years longer in their service, and he is reduced to beggary! "This," he says, "is a single example of a life spent in the accumulation of crores for your benefit, and doomed in its close to suffer the extremity of private want, and to sink in obscurity."

So far back as in 1773 he thought that he could save an exceeding good fortune out of his place. In 1782 he says, with gratitude, that he has made a decent private competency; but in two years after he sunk to the extremity of private want. And how does he seek to relieve that want? By taking a bribe: bribes are no longer taken by him for the Company's service, but for his own. He takes the bribe with an express intention of keeping it for his own use, and he calls upon the Company for their sanction. If the money was taken without right, no claim of his could justify its being appropriated to himself: nor could the Company so appropriate it; for no man has a right to be generous out of another's goods. When he calls upon their justice and generosity, they might answer, "If you have a just demand upon our treasury, state it, and we will pay it; if it is a demand upon our generosity, state your merits, and we will consider them." "But I have paid myself by a bribe; I have taken another man's money; and I call upon your justice — to do what? to restore it to its owner? no — to allow me to keep it myself." Think, my Lords, in what a situation the Company stands! "I have done a

great deal for you; this is the jackal's portion; you have been the lion; I have been endeavoring to prog for you; I am your bribe-pander, your factor of corruption, exposing myself to every kind of scorn and ignominy, to insults even from you. I have been preying and plundering for you; I have gone through every stage of licentiousness and lewdness, wading through every species of dirt and corruption, for your advantage. I am now sinking into the extremity of private want; do give me this — what? money? no, this bribe; rob me the man who gave me this bribe; vote me — what? money of your own? that would be generous: money you owe me? that would be just: no, money which I have extorted from another man; and I call upon your justice to give it me." This is his idea of justice. He says, "I am compelled to depart from that liberal plan which I originally adopted, and to claim from your justice (for you have forbid me to appeal to your generosity) the discharge of a debt which I can with the most scrupulous integrity aver to be justly due, and which I cannot sustain." Now, if any of the Company's servants may say, "I have been extravagant, profuse, — it was all meant for your good, — let me prey upon the country at my pleasure, — license my bribes, frauds, and peculations, and then you do me justice, — what country are we in, where these ideas are ideas of generosity and justice?

It might naturally be expected that in this letter he would have given some account of the person from whom he had taken this bribe. But here, as in the other cases, he had a most effectual oblivion; the Ganges, like Lethe, causes a drowsiness, as you saw in Mr. Middleton; they recollect nothing, they know

nothing. He has not stated, from that day to this, from whom he took that money. But we have made the discovery. And such is the use of Parliamentary inquiries, such, too, both to the present age and posterity, will be their use, that, if we pursue them with the vigor which the great trust justly imposed upon us demands, and if your Lordships do firmly administer justice upon this man's frauds, you will at once put an end to those frauds and prevarications forever. Your Lordships will see, that, in this inquiry, it is the diligence of the House of Commons, which he has the audacity to call *malice*, that has discovered and brought to light the frauds which we shall be able to prove against him.

I will now read to your Lordships an extract from that stuff, called a defence, which he has either written himself or somebody else has written for him, and which he owns or disclaims, just as he pleases, when, under the slow tortures of a Parliamentary impeachment, he discovered at length from whom he got this last bribe.

"The last part of the charge states, that, in my letter to the Court of Directors of the 21st February, 1784, I have confessed to have received another sum of money, the amount of which is not declared, but which, from the application of it, could not be less than thirty-four thousand pounds sterling, &c. In the year 1783, when I was actually in want of a sum of money for my private expenses, owing to the Company not having at that time sufficient cash in their treasury to pay my salary, I borrowed three lacs of rupees of Rajah Nobkissin, an inhabitant of Calcutta, whom I desired to call upon me with a bond properly filled up. He did so: but at the time I was

going to execute it he entreated I would rather accept the money than execute the bond. I neither accepted the offer nor refused it; and my determination upon it remained suspended between the alternative of keeping the money, as a loan to be repaid, and of taking it, and applying it, as I had done other sums, to the Company's use. And there the matter rested till I undertook my journey to Lucknow, when I determined to accept the money for the Company's use; and these were my motives. Having made disbursements from my own cash for services, which, though required to enable me to execute the duties of my station, I had hitherto omitted to enter into my public accounts, I resolved to reimburse myself in a mode most suitable to the situation of the Company's affairs, by charging these disbursements in my durbar accounts of the present year, and crediting them by a sum privately received, which was this of Nobkissin's. If my claim on the Company were not founded in justice, and *bonâ fide* due, my acceptance of three lacs of rupees from Nobkissin by no means precludes them from recovering that sum from me. No member of this Honorable House suspects me, I hope, of the meanness and guilt of presenting false accounts."

We do not *suspect* him of presenting false accounts: we can prove, we are now radically proving, that he presents false accounts. We suspect no man who does not give ground for suspicion; we accuse no man who has not given ground for accusation; and we do not attempt to bring before a court of justice any charges which we shall not be able decisively to prove. This will put an end to all idle prattle of malice, of groundless suspicions of guilt,

and of ill-founded charges. We come here to bring the matter to the test, and here it shall be brought to the test, between the Commons of Great Britain and this East India delinquent. In his letter of the 21st of February, 1784, he says he has never benefited himself by contingent accounts; and as an excuse for taking this bribe from Nobkissin, which he did not discover at the time, but many years afterwards, at the bar of the House of Commons, he declares that he wanted to apply it to the contingent account for his expenses, that is, for what he pretended to have laid out for the Company, during a great number of years. He proceeds: —

"If it should be objected, that the allowance of these demands would furnish a precedent for others of the like kind, I have to remark, that in their whole amount they are but the aggregate of a contingent account of twelve years; and if it were to become the practice of those who have passed their prime of life in your service, and filled, as I have filled it, the first office of your dominion, to glean from their past accounts all the articles of expense which their inaccuracy or indifference hath overlooked, your interests would suffer infinitely less by the precedent than by a single example of a life spent in the accumulation of crores for your benefit and doomed in its close to suffer the extremity of private want and to sink in obscurity."

Here is the man that has told us at the bar of the House of Commons that he never made up any contingent accounts; and yet, as a set-off against this bribe, which he received for himself, and never intended to apply to the current use of the Company, he feigns and invents a claim upon them, namely,

that he had, without any authority of the Company, squandered away in stationery and budgeros, and other idle services, a sum amounting to 34,000*l.* But was it for the Company's service? Is this language to be listened to? "Everything I thought fit to expend I have expended for the Company's service. I intended, indeed, at that time, to have been generous. I intended out of my own pocket to have paid for a translation of the code of Gentoo laws. I was then in the prime of my life, flowing in money, and had great expectations: I am now old; I cannot afford to be generous: I will look back into all my former accounts, pen, ink, wax, everything that I generously or prodigally spent as my own humor might suggest; and though, at the same time, I know you have given me a noble allowance, I now make a charge upon you for this sum of money, and intend to take a bribe in discharge of it." Now suppose Lord Cornwallis, who sits in the seat, and I hope will long, and honorably and worthily, fill the seat, which that gentleman possessed, — suppose Lord Cornwallis, after never having complained of the insufficiency of his salary, and after having but two years ago said he had saved a sufficient competency out of it, should now tell you that 30,000*l.* a year was not enough for him, and that he was sinking into want and distress, and should justify upon that alleged want taking a bribe, and then make out a bill of contingent expenses to cover it, would your Lordships bear this?

Mr. Hastings has told you that he wanted to borrow money for his own use, and that he applied to Rajah Nobkissin, who generously pressed it upon him as a gift. Rajah Nobkissin is a banian: you

will be astonished to hear of generosity in a banian; there never was a banian and generosity united together: but Nobkissin loses his banian qualities at once, the moment the light of Mr. Hastings's face beams upon him. "Here," says Mr. Hastings, "I have prepared bonds for you." "Astonishing! how can you think of the meanness of bonds? You call upon me to lend you 34,000*l.*, and propose bonds? No, you shall have it: you are the Governor-General, who have a large and ample salary; but I know you are a generous man, and I emulate your generosity: I give you all this money." Nobkissin was quite shocked at Mr. Hastings's offering him a bond. My Lords, a Gentoo banian is a person a little lower, a little more penurious, a little more exacting, a little more cunning, a little more money-making, than a Jew. There is not a Jew in the meanest corner of Duke's Place in London that is so crafty, so much a usurer, so skilful how to turn money to profit, and so resolved not to give any money but for profit, as a Gentoo broker of the class I have mentioned. But this man, however, at once grows generous, and will not suffer a bond to be given to him; and Mr. Hastings, accordingly, is thrown into very great distress. You see sentiment always prevailing in Mr. Hastings. The sentimental dialogue which must have passed between him and a Gentoo broker would have charmed every one that has a taste for pathos and sentiment. Mr. Hastings was pressed to receive the money as a gift. He really does not know what to do: whether to insist upon giving a bond or not,—whether he shall take the money for his own use, or whether he shall take it for the Company's use. But it may be said of man as it is said of woman: the

woman who deliberates is lost: the man that deliberates about receiving bribes is gone. The moment he deliberates, that moment his reason, the fortress, is lost, the walls shake, down it comes, — and at the same moment enters Nobkissin into the citadel of his honor and integrity, with colors flying, with drums beating, and Mr. Hastings's garrison goes out, very handsomely indeed, with the honors of war, all for the benefit of the Company. Mr. Hastings consents to take the money from Nobkissin; Nobkissin gives the money, and is perfectly satisfied.

Mr. Hastings took the money with a view to apply it to the Company's service. How? To pay his own contingent bills. "Everything that I do," says he, "and all the money I squander, is all for the Company's benefit. As to particulars of accounts, never look into them; they are given you upon honor. Let me take this bribe: it costs you nothing to be just or generous. I take the bribe: you sanctify it." But in every transaction of Mr. Hastings, where we have got a name, there we have got a crime. Nobkissin gave him the money, and did not take his bond, I believe, for it; but Nobkissin, we find, immediately afterwards enters upon the stewardship or management of one of the most considerable districts in Bengal. We know very well, and shall prove to your Lordships, in what manner such men rack such districts, and exact from the inhabitants the money to repay themselves for the bribes which had been taken from them. These bribes are taken under a pretence of the Company's service, but sooner or later they fall upon the Company's treasury. And we shall prove that Nobkissin, within a year from the time when he gave this bribe, had fallen into arrears to the Compa-

ny, as their steward, to the amount of a sum the very interest of which, according to the rate of interest in that country, amounted to more than this bribe, taken, as was pretended, for the Company's service. Such are the consequences of a banian's generosity, and of Mr. Hastings's gratitude, so far as the interest of the country is concerned; and this is a good way to pay Mr. Hastings's contingent accounts. But this is not all: a most detestable villain is sent up into the country to take the management of it, and the fortunes of all the great families in it are given entirely into his power. This is the way by which the Company are to keep their own servants from falling into "the extremity of private want." And the Company itself, in this pretended saving to their treasury by the taking of bribes, lose more than the amount of the bribes received. Wherever a bribe is given on one hand, there is a balance accruing on the other. No man, who had any share in the management of the Company's revenues, ever gave a bribe, who did not either extort the full amount of it from the country, or else fall in balance to the Company to that amount, and frequently both. In short, Mr. Hastings never was guilty of corruption, that blood and rapine did not follow; he never took a bribe, pretended to be for their benefit, but the Company's treasury was proportionably exhausted by it.

And now was this scandalous and ruinous traffic in bribes brought to light by the Court of Directors? No: we got it in the House of Commons. These bribes appear to have been taken at various times and upon various occasions; and it was not till his return from Patna, in February, 1782, that the first communication of any of them was made to the Court of Di-

rectors. Upon the receipt of this letter, the Court of Directors wrote back to him, requiring some further explanation upon the subject. No explanation was given, but a communication of other bribes was made in his letter, said to be written in May of the same year, but not dispatched to Europe till the December following. This produced another requisition from the Directors for explanation. And here your Lordships are to observe that this correspondence is never in the way of letters written and answers given; but he and the Directors are perpetually playing at hide-and-seek with each other, and writing to each other at random: Mr. Hastings making a communication one day, the Directors requiring an explanation the next; Mr. Hastings giving an account of another bribe on the third day, without giving any explanation of the former. Still, however, the Directors are pursuing their chase. But it was not till they learned that the committees of the House of Commons (for committees of the House of Commons had then some weight) were frowning upon them for this collusion with Mr. Hastings, that at last some honest men in the Direction were permitted to have some ascendency, and that a proper letter was prepared, which I shall show your Lordships, demanding from Mr. Hastings an exact account of all the bribes that he had received, and painting to him, in colors as strong at least as those I use, his bribery, his frauds, and peculations, — and what does them great honor for that moment, they particularly direct that the money which was taken from the Nabob of Oude should be carried to his account. These paragraphs were prepared by the Committee of Correspondence, and, as I understand, approved by the Court of Directors, but never were sent

out to India. However, something was sent, but miserably weak and lame of its kind; and Mr. Hastings never answered it, or gave them any explanation whatever. He now, being prepared for his departure from Calcutta, and having finished all his other business, went up to Oude upon a chase in which just now we cannot follow him. He returned in great disgust to Calcutta, and soon after set sail for England, without ever giving the Directors one word of the explanation which he had so often promised, and they had repeatedly asked.

We have now got Mr. Hastings in England, where you will suppose some satisfactory account of all these matters would be obtained from him. One would suppose, that, on his arrival in London, he would have been a little quickened by a menace, as he expresses it, which had been thrown out against him in the House of Commons, that an inquiry would be made into his conduct; and the Directors, apprehensive of the same thing, thought it good gently to insinuate to him by a letter, written by whom and how we do not know, that he ought to give some explanation of these accounts. This produced a letter which I believe in the business of the whole world cannot be paralleled: not even himself could be his parallel in this. Never did inventive folly, working upon conscious guilt, and throwing each other totally in confusion, ever produce such a false, fraudulent, prevaricating letter as this, which is now to be given to you.

You have seen him at Patna, at Calcutta, in the country, on the Ganges: now you see him at the waters at Cheltenham; and you will find his letter from that place to comprehend the substance of all

his former letters, and to be a digest of all the falsity, fraud, and nonsense contained in the whole of them. Here it is, and your Lordships will suffer it to be read. I must beg your patience; I must acknowledge that it has been the most difficult of all things to explain, but much more difficult to make pleasant and not wearisome, falsity and fraud pursued through all its artifices; and therefore, as it has been the most painful work to us to unravel fraud and prevarication, so there is nothing that more calls for the attention, the patience, the vigilance, and the scrutiny of an exact court of justice. But as you have already had almost the whole of the man, do not think it too much to hear the rest in this letter from Cheltenham. It is dated, Cheltenham, 11th of July, 1785, addressed to William Devaynes, Esquire;* and it begins thus:—

"Sir, — The Honorable Court of Directors, in their general letter to Bengal by the 'Surprise,' dated the 16th of March, 1784, were pleased to express their desire that I should inform them of the periods when each sum of the presents mentioned in my address of the 22d May, 1782, was received, — what were my motives for withholding the several receipts from the knowledge of the Council, or of the Court of Directors, — and what were my reasons for taking bonds for part of these sums, and for paying other sums into the treasury as deposits, on my own account."

I wish your Lordships to pause a moment. Here is a letter written in July, 1785. You see that from the 29th of December [November?], 1780, till that

* See this letter in the Appendix to the Eighth and Sixteenth Charges, Vol. IX. pp. 319 – 325, in the present edition.

time, during which interval, though convinced in his own conscience and though he had declared his own opinion of the necessity of giving a full explanation of these money transactions, he had been imposing upon the Directors false and prevaricating accounts of them, they were never able to obtain a full disclosure from him.

He goes on:—"I have been kindly apprised that the information required as above is yet expected from me. I hope that the circumstances of my past situation, when considered, will plead my excuse for having thus long withheld it. The fact is, that I was not at the Presidency when the 'Surprise' arrived; and when I returned to it, my time and attention were so entirely engrossed, to the day of my final departure from it, by a variety of other more important occupations, of which, Sir, I may safely appeal to your testimony, grounded on the large portion contributed by myself of the volumes which compose our Consultations of that period,"——

These Consultations, my Lords, to which he appeals, form matter of one of the charges that the Commons have brought against Mr. Hastings,—namely, a fraudulent attempt to ruin certain persons employed in subordinate situations under him, for the purpose, by intruding himself into their place, of secretly carrying on his own transactions. These volumes of Consultations were written to justify that act.

He next says,—"The submission which my respect would have enjoined me to pay to the command imposed on me was lost to my recollection, perhaps from the stronger impression which the first and distant perusal of it had left on my mind, that it

was rather intended as a reprehension for something which had given offence in my report of the original transaction than an expression of any want of a further elucidation of it."

Permit me to make a few remarks upon this extraordinary passage. A letter is written to him, containing a repetition of the request which had been made a thousand times before, and with which he had as often promised to comply. And here he says, "It was lost to my recollection." Observe his memory: he can forget the command, but he has an obscure recollection that he thought it a reprehension rather than a demand! Now a reprehension is a stronger mode of demand. When I say to a servant, "Why have you not given me the account which I have so often asked for?" is he to answer, "The reason I have not given it is because I thought you were railing at and abusing me"?

He goes on: — "I will now endeavor to reply to the different questions which have been stated to me, in as explicit a manner as I am able. To such information as I can give the Honorable Court is fully entitled; and where that shall prove defective, I will point out the only means by which it may be rendered more complete."

In order that your Lordships may thoroughly enter into the spirit of this letter, I must request that you will observe how handsomely and kindly these tools of Directors have expressed themselves to him, and that even their baseness and subserviency to him were not able to draw from him anything that could be satisfactory to his enemies: for as to these his friends, he cares but little about satisfying them, though they call upon him in consequence of his

own promise; and this he calls a reprehension. They thus express themselves:—"Although it is not our intention to express any doubt of the integrity of the Governor-General,—on the contrary, after having received the presents, we cannot avoid expressing our approbation of his conduct in bringing them to the credit of the Company,—yet we must confess the statement of those transactions appears to us in many points so unintelligible, that we feel ourselves under the necessity of calling on the Governor-General for an explanation, agreeable to his promise voluntarily made to us. We therefore desire to be informed of the different periods when each sum was received, and what were the Governor-General's motives for withholding the several receipts from the knowledge of the Council and of the Court of Directors, and what were his reasons for taking bonds for part of these sums and paying other sums into the treasury as deposits upon his own account." Such is their demand, and this is what his memory furnishes as nothing but a reprehension.

He then proceeds:—"First, I believe I can affirm with certainty that the several sums mentioned in the account transmitted with my letter above mentioned were received at or within a very few days of the dates which are affixed to them in the account. But as this contains only the gross sums, and each of these was received in different payments, though at no great distance of time, I cannot therefore assign a great degree of accuracy to the account."—Your Lordships see, that, after all, he declares he cannot make his account accurate. He further adds, "Perhaps the Honorable Court will judge this sufficient"—that is, this explanation, namely, that he can give

none — "for any purpose to which their inquiry was directed; but if it should not be so, I will beg leave to refer, for a more minute information, and for the means of making any investigation which they may think it proper to direct, respecting the particulars of this transaction, to Mr. Larkins, your accountant-general, who was privy to every process of it, and possesses, as I believe, the original paper, which contained the only account that I ever kept of it."

Here is a man who of his bribe accounts cannot give an account in the country where they are carried on. When you call upon him in Bengal, he cannot give the account, because he is in Bengal; when he comes to England, he cannot give the account here, because his accounts are left in Bengal. Again, he keeps no accounts himself, but his accounts are in Bengal, in the hands of somebody else: to him he refers, and we shall see what that reference produced.

"In this, each receipt was, as I recollect, specifically inserted, with the name of the person by whom it was made; and I shall write to him to desire that he will furnish you with the paper itself, if it is still in being and in his hands, or with whatever he can distinctly recollect concerning it." — Here are accounts kept for the Company, and yet he does not know whether they are in existence anywhere.

"For my motives for withholding the several receipts from the knowledge of the Council or of the Court of Directors, and for taking bonds for part of these sums, and paying others into the treasury as deposits on my own account, I have generally accounted in my letter to the Honorable the Court of Directors of the 22d of May, 1782, — namely, that

I either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or possibly acted without any studied design which my memory at that distance of time could verify, and that I did not think it worth my care to observe the same means with the rest. It will not be expected that I should be able to give a more correct explanation of my intentions after a lapse of three years, having declared at the time that many particulars had escaped my remembrance; neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as necessarily or with a strong probability follow them."

You have heard of that Oriental figure called, in the banian language, a *painche*, in English, a *screw*. It is a puzzled and studied involution of a period, framed in order to prevent the discovery of truth and the detection of fraud; and surely it cannot be better exemplified than in this sentence: "Neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as necessarily or with a strong probability follow them." Observe, that he says, not *facts stated*, but *facts implied in the report*. And of what was this to be a report? Of things which the Directors declared they did not understand. And then the inferences which are to follow these implied facts are to follow them —— But how? *With a strong probability*. If you have a mind to study this Oriental figure of rhetoric, the *painche*, here it is for you in its most complete perfection. No rhetorician ever gave an example of any figure of oratory that can match this.

But let us endeavor to unravel the whole passage. First he states, that, in May, 1782, he had forgotten his motives for falsifying the Company's accounts; but he affirms the facts contained in the report, and afterwards, very rationally, draws such inferences as necessarily or with a strong probability follow them. And if I understand it at all, which God knows I no more pretend to do than Don Quixote did those sentences of lovers in romance-writers of which he said it made him run mad to attempt to discover the meaning, the inference is, "Why do you call upon me for accounts now, three years after the time when I could not give you them? I cannot give them you. And as to the papers relating to them, I do not know whether they exist; and if they do, perhaps you may learn something from them, perhaps you may not: I will write to Mr. Larkins for those papers, if you please." Now, comparing this with his other accounts, you will see what a monstrous scheme he has laid of fraud and concealment to cover his peculation. He tells them, — "I have said that the three first sums of the account were paid into the Company's treasury without passing through my hands. The second of these was forced into notice by its destination and application to the expense of a detachment which was formed and employed against Mahdajee Sindia, under the command of Lieutenant-Colonel Camac, as I particularly apprised the Court of Directors in my letter of the 29th December [November?], 1780." He does not yet tell the Directors from whom he received it: we have found it out by other collateral means. — "The other two were certainly not intended, when I received them, to be made public, though intended for

public service, and actually applied to it. The exigencies of government were at that time my own, and every pressure upon it rested with its full weight upon my mind. Wherever I could find allowable means of relieving those wants, I eagerly seized them." — Allowable means of receiving bribes! for such I shall prove them to be in the particular instances. — "But neither could it occur to me as necessary to state on our Proceedings every little aid that I could thus procure; nor do I know how I could have stated it without appearing to court favor by an ostentation which I disdained, nor without the chance of exciting the jealousy of my colleagues by the constructive assertion of a separate and unparticipated merit, derived from the influence of my station, to which they might have had an equal claim."

Now we see, that, after hammering his brains for many years, he does find out his motive, which he could not verify at the time, — namely, that, if he let his colleagues know that he was receiving bribes, and gaining the glory of receiving them, they might take it into their heads likewise to have their share in the same glory, as they were joined in the same commission, enjoyed the same powers, and were subject to the same restrictions. It was, indeed, scandalous in Mr. Hastings, not behaving like a good, fair colleague in office, not to let them know that he was going on in this career of receiving bribes, and to deprive them of their share in the glory of it: but they were grovelling creatures, who thought that keeping clean hands was some virtue. — "Well, but you have applied some of these bribes to your own benefit: why did you give no account of those bribes?" "I did not," he says, "because it might have excited the

envy of my colleagues." To be sure, if he was receiving bribes for his own benefit, and they not receiving such bribes, and if they had a liking to that kind of traffic, it is a good ground of envy, that a matter which ought to be in common among them should be confined to Mr. Hastings, and he therefore did well to conceal it; and on the other hand, if we suppose him to have taken them, as he pretends, for the Company's use, in order not to excite a jealousy in his colleagues for being left out of this meritorious service, to which they had an equal claim, he did well to take bonds for what ought to be brought to the Company's account. These are reasons applicable to his colleagues, who sat with him at the same board, — Mr. Macpherson, Mr. Stables, Mr. Wheler, General Clavering, Colonel Monson, and Mr. Francis: he was afraid of exciting their envy or their jealousy.

You will next see another reason, and an extraordinary one it is, which he gives for concealing these bribes from his inferiors. But I must first tell your Lordships, what, till the proof is brought before you, you will take on credit, — indeed, it is on his credit, — that, when he formed the Committee of Revenue, he bound them by a solemn oath, "not, under any name or pretence whatever, to take from any zemindar, farmer, person concerned in the revenue, or any other, any gift, gratuity, allowance, or reward whatever, or anything beyond their salary"; and this is the oath to which he alludes. Now his reason for concealing his bribes from his inferiors, this Committee, under these false and fraudulent bonds, he states thus: — "I should have deemed it particularly dishonorable to receive for my own use money tendered by men of a certain class, from whom I had

interdicted the receipt of presents to my inferiors, and bound them by oath not to receive them: I was therefore more than ordinarily cautious to avoid the suspicion of it, which would scarcely have failed to light upon me, had I suffered the money to be brought to my own house, or that of any person known to be in trust for me."

My Lords, here he comes before you, avowing that he knew the practice of taking money from these people was a thing dishonorable in itself. "I should have deemed it particularly dishonorable to receive for my own use money tendered by men of a certain class, from whom I had interdicted the receipt of presents to my inferiors, and bound them by oath not to receive them." He held it particularly dishonorable to receive them; he had bound others by an oath not to receive them: but he received them himself; and why does he conceal it? "Why, because," says he, "if the suspicion came upon me, the dishonor would fall upon my pate." Why did he, by an oath, bind his inferiors not to take these bribes? "Why, because it was base and dishonorable so to do; and because it would be mischievous and ruinous to the Company's affairs to suffer them to take bribes." Why, then, did he take them himself? It was ten times more ruinous, that he, who was at the head of the Company's government, and had bound up others so strictly, should practise the same himself; and "therefore," says he, "I was more than ordinarily cautious." What! to avoid it? "No: to carry it on in so clandestine and private a manner as might secure me from the suspicion of that which I know to be detestable, and bound others up from practising."

We shall prove that the kind of men from whom he interdicted his Committee to receive bribes were the identical men from whom he received them himself. If it was good for him, it was good for them to be permitted these means of extorting; and if it ought at all to be practised, they ought to be admitted to extort for the good of the Company. Rajah Nobkissin was one of the men from whom he interdicted them to receive bribes, and from whom he received a bribe for his own use. But he says he concealed it from them, because he thought great mischief might happen even from their suspicion of it, and lest they should thereby be inclined themselves to practise it, and to break their oaths.

You take it, then, for granted that he really concealed it from them? No such thing. His principal confidant in receiving these bribes was Mr. Croftes, who was a principal person in this Board of Revenue, and whom he had made to swear not to take bribes: he is the confidant, and the very receiver, as we shall prove to your Lordships. What will your Lordships think of his affirming and averring a direct falsehood, that he did it to conceal it from these men, when one of them was his principal confidant and agent in the transaction? What will you think of his being more than ordinarily cautious to avoid the suspicion of it? He ought to have avoided the crime, and the suspicion would take care of itself.

"For these reasons," he says, "I caused it to be transported immediately to the treasury. There I well knew, Sir, it could not be received, without being passed to some credit; and this could only be done by entering it as a loan or as a deposit. The first was the least liable to reflection, and therefore

I had obviously recourse to it. Why the second sum was entered as a deposit I am utterly ignorant. Possibly it was done without any special direction from me; possibly because it was the simplest mode of entry, and therefore preferred, as the transaction itself did not require concealment, having been already avowed."

My Lords, in fact, every word of this is either false or groundless: it is completely fallacious in every part. The first sum, he says, was entered as a loan, the second as a deposit. Why was this done? Because, when you enter moneys of this kind, you must enter them under some name, some head of account; "and I entered them," he says, "under these, because otherwise there was no entering them at all." Is this true? Will he stick to this? I shall desire to know from his learned counsel, some time or other, whether that is a point he will take issue upon. Your Lordships will see there were other bribes of his which he brought under a regular official head, namely, *durbar charges;* and there is no reason why he should not have brought these under the same head. Therefore what he says, that there is no other way of entering them but as loans and deposits, is not true. He next says, that in the second sum there was no reason for concealment, because it was avowed. But that false deposit was as much concealment as the false loan, for he entered that money as his own; whereas, when he had a mind to carry any money to the Company's account, he knew how to do it, for he had been accustomed to enter it under a general name, called durbar charges, — a name which, in its extent at least, was very much his own invention, and which, as he gives no account

of those charges, is as large and sufficient to cover any fraudulent expenditure in the account as, one would think, any person could wish. You see him, then, first guessing one thing, then another, — first giving this reason, then another; at last, however, he seems to be satisfied that he has hit upon the true reason of his conduct.

Now let us open the next paragraph, and see what it is. — "Although I am firmly persuaded that these were my sentiments on the occasion, yet I will not affirm that they were. Though I feel their impression as the remains of a series of thoughts retained on my memory, I am not certain that they may not have been produced by subsequent reflection on the principal fact, combining with it the probable motives of it. Of this I am certain, that it was my design originally to have concealed the receipt of all the sums, except the second, even from the knowledge of the Court of Directors. They had answered my purpose of public utility, and I had almost dismissed them from my remembrance."

My Lords, you will observe in this most astonishing account which he gives here, that several of these sums he meant to conceal forever, even from the knowledge of the Directors. Look back to his letter of 22d May, 1782, and his letter of the 16th of December, and in them he tells you that he might have concealed them, but that he was resolved not to conceal them; that he thought it highly dishonorable so to do; that his conscience would have been wounded, if he had done it; and that he was afraid it would be thought that this discovery was brought from him in consequence of the Parliamentary inquiries. Here he says of a discovery which he values

himself upon making voluntarily, that he is afraid it should be attributed to arise from motives of fear. Now, at last, he tells you, from Cheltenham, at a time when he had just cause to dread the strict account to which he is called this day, first, that he cannot tell whether any one motive which he assigns, either in this letter or in the former, were his real motive or not; that he does not know whether he has not invented them since, in consequence of a train of meditation upon what he might have done or might have said; and, lastly, he says, contrary to all his former declarations, "that he had never meant nor could give the Directors the least notice of them at all, as they had answered his purpose, and he had dismissed them from his remembrance." "I intended," he says, "always to keep them secret, though I have declared to you solemnly, over and over again, that I did not. I do not care how you discovered them; I have forgotten them; I have dismissed them from my remembrance." Is this the way in which money is to be received and accounted for?

He then proceeds thus: — "But when fortune threw a sum of money in my way of a magnitude which could not be concealed, and the peculiar delicacy of my situation at the time I received it made me more circumspect of appearances, I chose to apprise my employers of it, which I did hastily and generally: hastily, perhaps, to prevent the vigilance and activity of secret calumny; and generally, because I knew not the exact amount of which I was in the receipt, but not in the full possession. I promised to acquaint them with the result as soon as I should be in possession of it; and, in the performance of my promise, I thought it consistent with it to add to

the amount all the former appropriations of the same kind: my good genius then suggesting to me, with a spirit of caution which might have spared me the trouble of this apology, had I universally attended to it, that, if I had suppressed them, and they were afterwards known, I might be asked what were my motives for withholding a part of these receipts from the knowledge of the Court of Directors and informing them of the rest, it being my wish to clear up every doubt."

I am almost ashamed to remark upon the tergiversations and prevarications perpetually ringing the changes in this declaration. He would not have discovered this hundred thousand pounds, if he could have concealed it: he would have discovered it, lest malicious persons should be telling tales of it. He has a system of concealment: he never discovers anything, but when he thinks it can be forced from him. He says, indeed, "I could conceal these things forever, but my conscience would not give me leave": but it is guilt, and not honesty of conscience, that always prompts him. At one time it is the malice of people and the fear of misrepresentation which induced him to make the disclosure; and he values himself on the precaution which this fear had suggested to him. At another time it is the magnitude of the sum which produced this effect: nothing but the impossibility of concealing it could possibly have made him discover it. This hundred thousand pounds he declares he would have concealed, if he could; and yet he values himself upon the discovery of it. Oh, my Lords, I am afraid that sums of much greater magnitude have not been discovered at all! Your Lordships now see some of the artifices of this letter. You

see the variety of styles he adopts, and how he turns himself into every shape and every form. But, after all, do you find any clear discovery? do you find any satisfactory answer to the Directors' letter? does he once tell you from whom he received the money? does he tell you for what he received it, what the circumstances of the persons giving it were, or any explanation whatever of his mode of accounting for it? No: and here, at last, after so many years' litigation, he is called to account for his prevaricating, false accounts in Calcutta, and cannot give them to you.

His explanation of his conduct relative to the bonds now only remains for your Lordships' consideration. Before he left Calcutta, in July, 1784 [1781?], he says, when he was going upon a service which he thought a service of danger, he indorsed the false bonds which he had taken from the Company, declaring them to be none of his. You will observe that these bonds had been in his hands from the 9th or 15th of January (I am not quite sure of the exact date) to the day when he went upon this service, some time in the month of July, 1784 [1781?]. This service he had formerly declared he did not apprehend to be a service of danger; but he found it to be so after: it was in anticipation of that danger that he made this attestation and certificate upon the bonds. But who ever saw them? Mr. Larkins saw them, says he: "I gave them Mr. Larkins." We will show you hereafter that Mr. Larkins deserves no credit in this business, — that honor binds him not to discover the secrets of Mr. Hastings. But why did he not deliver them up entirely, when he was going upon that service? for all pretence of concealment in the business was now at an end, as we shall prove. Why

did he not cancel these bonds? Why keep them at all? Why not enter truly the state of the account in the Company's records? "But I indorsed them," he says. "Did you deliver them so indorsed into the treasury?" "No, I delivered them indorsed into the hands of my bribe-broker and agent." "But why not destroy them, or give them up to the Company, and say you were paid, which would have been the only truth in this transaction? Why did you not indorse them before? Why not, during the long period of so many years, cancel them?" No, he kept them to the very day when he was going from Calcutta, and had made a declaration that they were not his. Never before, upon any account, had they appeared; and though the Committee of the House of Commons, in the Eleventh Report, had remarked upon all these scandalous proceedings and prevarications, yet he was not stimulated, even then, to give up these bonds. He held them in his hands till the time when he was preparing for his departure from Calcutta, in spite of the Directors, in spite of the Parliament, in spite of the cries of his own conscience, in a matter which was now grown public, and would knock doubly upon his reputation and conduct. He then declares they are not for his own use, but for the Company's service. But were they then cancelled? I do not find a trace of their being cancelled. In this letter of the 17th of January, 1785, he says with regard to these bonds, "The following sums were paid into the treasury, and bonds granted for the same in the name of the Governor-General, in whose possession the bonds remain, with a declaration upon each, indorsed and signed by him, that he has no claim on the Company for the amount

either of principal or interest, no part of the latter having been received."

To the account of the 22d of May, of the indorsement, is added the declaration upon oath. But why any man need to declare upon oath that the money which he has fraudulently taken and concealed from another person is not his is the most extraordinary thing in the world. If he had a mind to have it placed to his credit as his own, then an oath would be necessary; but in this case any one would believe him upon his word. He comes, however, and says, "This is indorsed upon oath." Oath! before what magistrate? In whose possession were the bonds? Were they given up? There is no trace of that upon the record, and it stands for him to prove that they were ever given up, and in any hands but Mr. Larkins's and his own. So here are the bonds, begun in obscurity and ending in obscurity, ashes to ashes, dust to dust, corruption to corruption, and fraud to fraud. This is all we see of these bonds, till Mr. Larkins, to whom he writes some letter concerning them which does not appear, is called to read a funeral sermon over them.

My Lords, I am come now near the period of this class of Mr. Hastings's bribes. I am a little exhausted. There are many circumstances that might make me wish not to delay this business by taking up another day at your Lordships' bar, in order to go through this long, intricate scene of corruption. But my strength now fails me. I hope within a very short time, to-morrow or the next court-day, to finish it, and to go directly into evidence, as I long much to do, to substantiate the charge; but it was necessary

that the evidence should be explained. You have heard as much of the drama as I could go through: bear with my weakness a little: Mr. Larkins's letter will be the epilogue to it. I have already incurred the censure of the prisoner; I mean to increase it, by bringing home to him the proof of his crimes, and to display them in all their force and turpitude. It is my duty to do it; I feel it an obligation nearest to my heart.

SPEECH

ON

THE SIXTH ARTICLE OF CHARGE.

FOURTH DAY: THURSDAY, MAY 7, 1789.

MY LORDS, — When I had the honor last to address you from this place, I endeavored to press this position upon your minds, and to fortify it by the example of the proceedings of Mr. Hastings, — that obscurity and inaccuracies in a matter of account constituted a just presumption of fraud. I showed, from his own letters, that his accounts were confused and inaccurate. I am ready, my Lords, to admit that there are situations in which a minister in high office may use concealment: it may be his duty to use concealment from the enemies of his masters; it may be prudent to use concealment from his inferiors in the service. It will always be suspicious to use concealment from his colleagues and coördinates in office; but when, in a money transaction, any man uses concealment with regard to them to whom the money belongs, he is guilty of a fraud. My Lords, I have shown you that Mr. Hastings kept no account, by his own confession, of the moneys that he had privately taken, as he pretends, for the Company's service, and we have but too much reason to presume for his own. We have shown you, my Lords, that he has not only no accounts, but no memory; we have shown that he does not even un-

derstand his own motives; that, when called upon to recollect them, he begs to guess at them; and that as his memory is to be supplied by his guess, so he has no confidence in his guesses. He at first finds, after a lapse of about a year and a half, or somewhat less, that he cannot recollect what his motives were to certain actions which upon the very face of them appeared fraudulent. He is called to an account some years after, to explain what they were, and he makes a just reflection upon it, — namely, that, as his memory did not enable him to find out his own motive at the former time, it is not to be expected that it would be clearer a year after. Your Lordships will, however, recollect, that in the Cheltenham letter, which is made of no perishable stuff, he begins again to guess; but after he has guessed and guessed again, and after he has gone through all the motives he can possibly assign for the action, he tells you he does not know whether those were his real motives, or whether he has not invented them since.

In that situation the accounts of the Company were left with regard to very great sums which passed through Mr. Hastings's hands, and for which he, instead of giving his masters credit, took credit to himself, and, being their debtor, as he confesses himself to be at that time, took a security for that debt as if he had been their creditor. This required explanation. Explanation he was called upon for, over and over again; explanation he did not give, and declared he could not give. He was called upon for it when in India: he had not leisure to attend to it there. He was called upon for it when in Europe: he then says he must send for it to India. With much prevarication, and much insolence too, he confesses

himself guilty of falsifying the Company's accounts by making himself their creditor when he was their debtor, and giving false accounts of this false transaction. The Court of Directors was slow to believe him guilty; Parliament expressed a strong suspicion of his guilt, and wished for further information. Mr. Hastings about this time began to imagine his conscience to be a faithful and true monitor, — which it were well he had attended to upon many occasions, as it would have saved him his appearance here, — and it told him that he was in great danger from the Parliamentary inquiries that were going on. It was now to be expected that he would have been in haste to fulfil the promise which he had made in the Patna letter of the 20th of January, 1782; and accordingly we find that about this time his first agent, Major Fairfax, was sent over to Europe, which agent entered himself at the India House, and appeared before the Committee of the House of Commons, as an agent expressly sent over to explain whatever might appear doubtful in his conduct. Major Fairfax, notwithstanding the character in which Mr. Hastings employed him, appeared to be but a letter-carrier: he had nothing to say: he gave them no information in the India House at all: to the Committee (I can speak with the clearness of a witness) he gave no satisfaction whatever. However, this agent vanished in a moment, in order to make way for another, more substantial, more efficient agent, — an agent perfectly known in this country, — an agent known by the name given to him by Mr. Hastings, who, like the princes of the East, gives titles: he calls him an incomparable agent; and by that name he is very well known to your Lordships and the world. This agent, Major

Scott, who I believe was here prior to the time of Major Fairfax's arrival in the character of an agent, and for the very same purposes, was called before the Committee, and examined, point by point, article by article, upon all that obscure enumeration of bribes which the Court of Directors declare they did not understand; but he declared that he could speak nothing with regard to any of these transactions, and that he had got no instructions to explain any part of them. There was but one circumstance which in the course of his examination we drew from him, — namely, that one of these articles, entered in the account of the 22d of May as a deposit, had been received from Mr. Hastings as a bribe from Cheyt Sing. He produced an extract of a letter relative to it, which your Lordships in the course of this trial may see, and which will lead us into a further and more minute inquiry on that head; but when that committee made their report in 1783, not one single article had been explained to Parliament, not one explained to the Company, except this bribe of Cheyt Sing, which Mr. Hastings had never thought proper to communicate to the East India Company, either by himself, nor, as far as we could find out, by his agent; nor was it at last otherwise discovered than as it was drawn out from him by a long examination in the Committee of the House of Commons. And thus, notwithstanding the letters he had written and the agents he employed, he seemed absolutely and firmly resolved to give his employers no satisfaction at all. What is curious in this proceeding is, that Mr. Hastings, all the time he conceals, endeavors to get himself the credit of a discovery. Your Lordships have seen what his discovery is; but Mr. Hastings, among his

other very extraordinary acquisitions, has found an effectual method of concealment through discovery. I will venture to say, that, whatever suspicions there might have been of Mr. Hastings's bribes, there was more effectual concealment in regard to every circumstance respecting them in that discovery than if he had kept a total silence. Other means of discovery might have been found, but this, standing in the way, prevented the employment of those means.

Things continued in this state till the time of the letter from Cheltenham. The Cheltenham letter declared that Mr. Hastings knew nothing of the matter, — that he had brought with him no accounts to England upon the subject; and though it appears by this very letter that he had with him at Cheltenham (if he wrote the letter at Cheltenham) a great deal of his other correspondence, that he had his letter of the 22d of May with him, yet any account that could elucidate that letter he declared that he had not; but he hinted that a Mr. Larkins, in India, whom your Lordships will be better acquainted with, was perfectly apprised of all that transaction. Your Lordships will observe that Mr. Hastings has all his faculties, some way or other, in deposit: one person can speak to his motives; another knows his fortune better than himself; to others he commits the sentimental parts of his defence; to Mr. Larkins he commits his memory. We shall see what a trustee of memory Mr. Larkins is, and how far he answers the purpose which might be expected, when appealed to by a man who has no memory himself, or who has left it on the other side of the water, and who leaves it to another to explain for him accounts which he ought to have kept himself, and circumstances which ought to be deposited in his own memory.

This Cheltenham letter, I believe, originally became known, as far as I can recollect, to the House of Commons, upon a motion of Mr. Hastings's own agent: I do not like to be positive upon that point, but I think that was the first appearance of it. It appeared likewise in public: for it was thought so extraordinary and laborious a performance, by the writer or his friends, (as indeed it is,) that it might serve to open a new source of eloquence in the kingdom, and consequently was printed, I believe, at the desire of the parties themselves. But however it became known, it raised an extreme curiosity in the public to hear, when Mr. Hastings could say nothing, after so many years, of his own concerns and his own affairs, what satisfaction Mr. Larkins at last would give concerning them. This letter was directed to Mr. Devaynes, Chairman of the Court of Directors. It does not appear that the Court of Directors wrote anything to India in consequence of it, or that they directed this satisfactory account of the business should be given them; but some private communications passed between Mr. Hastings, or his agents, and Mr. Larkins. There was a general expectation upon this occasion, I believe, in the House of Commons and in the nation at large, to know what would become of the portentous inquiry. Mr. Hastings has always contrived to have half the globe between question and answer: when he was in India, the question went to him, and then he adjourned his answer till he came to England; and when he came to England, it was necessary his answer should arrive from India; so that there is no manner of doubt that all time was given for digesting, comparing, collating, and making up a perfect memory upon the occasion.

But, my Lords, Mr. Larkins, who has in custody Mr. Hastings's memory, no small part of his conscience, and all his accounts, did, at last, in compliance with Mr. Hastings's desire, think proper to send an account. Then, at last, we may expect light. Where are we to look for accounts, but from an accountant-general? Where are they to be met with, unless from him? And accordingly, in that night of perplexity into which Mr. Hastings's correspondence had plunged them, men looked up to the dawning of the day which was to follow that star, the little Lucifer, which with his lamp was to dispel the shades of night, and give us some sort of light into this dark, mysterious transaction. At last the little lamp appeared, and was laid on the table of the House of Commons, on the motion of Mr. Hastings's friends: for we did not know of its arrival. It arrives, with all the intelligence, all the memory, accuracy, and clearness which Mr. Larkins can furnish for Mr. Hastings upon a business that before was nothing but mystery and confusion. The account is called, —

"*Copy of the particulars of the dates on which the component parts of sundry sums included in the account of sums received on the account of the Honorable Company by the Governor-General, or paid to their Treasury by his order, and applied to their service, were received for Mr. Hastings, and paid to the Sub-Treasurer.*"

The letter from Mr. Larkins consisted of two parts: first, what was so much wanted, an account; next, what was wanted most of all to such an account as he sent, a comment and explanation. The account consisted of two members: one gave an account of several detached bribes that Mr. Hastings had received

within the course of about a year and a half; and the other, of a great bribe which he had received in one gross sum of one hundred thousand pounds from the Nabob of Oude. It appeared to us, upon looking into these accounts, that there was some geography, a little bad chronology, but nothing else in the first: neither the persons who took the money, nor the persons from whom it was taken, nor the ends for which it was given, nor any other circumstances are mentioned.

The first thing we saw was *Dinagepore*. I believe you know this piece of geography, — that it is one of the provinces of the kingdom of Bengal. We then have a long series of months, with a number of sums added to them; and in the end it is said, that on the 18th and 19th of Asin, (meaning part of September and part of October,) were paid to Mr. Croftes two lac of rupees; and then remains one lac, which was taken from a sum of three lac six thousand nine hundred and seventy-three rupees. After we had waited for Mr. Hastings's own account, after it had been pursued through a series of correspondence in vain, after his agents had come to England to explain it, this is the explanation that your Lordships have got of this first article, Dinagepore. Not the person paid to, not the person paying, are mentioned, nor any other circumstance, except the signature, *G. G. S.*: this might serve for *George Gilbert Sanders*, or any other name you please; and seeing *Croftes* above it, you might imagine it was an Englishman. And this, which I call a geographical and a chronological account, is the only account we have. Mr. Larkins, upon the mere face of the account, sadly disappoints us; and I will venture to say that in matters of ac-

count Bengal book-keeping is as remote from good book-keeping as the Bengal *painches* are remote from all the rules of good composition. We have, however, got some light: namely, that one G. G. S. has paid some money to Mr. Croftes for some purpose, but from whom we know not, nor where; that there is a place called Dinagepore; and that Mr. Hastings received some money from somebody in Dinagepore.

The next article is *Patna*. Your Lordships are not so ill acquainted with the geography of India as not to know that there is such a place as Patna, nor so ill acquainted with the chronology of it as not to know that there are three months called Baisakh, Asin, Chait. Here was paid to Mr. Croftes two lac of rupees, and there was left a balance of about two more. But though you learn with regard to the province of Dinagepore that there is a balance to be discharged by G. G. S., yet with regard to Patna we have not even a G. G. S.: we have no sort of light whatever to know through whose hands the money passed, nor any glimpse of light whatever respecting it.

You may expect to be made amends in the other province, called *Nuddea*, where Mr. Hastings had received a considerable sum of money. There is the very same darkness: not a word from whom received, by whom received, or any other circumstance, but that it was paid into the hands of Mr. Hastings's *white banian*, as he was commonly called in that country, into the hands of Mr. Croftes, who is his white agent in receiving bribes: for he was very far from having but one.

After all this inquiry, after so many severe animadversions from the House of Commons, after all

those reiterated letters from the Directors, after an application to Mr. Hastings himself, when you are hunting to get at some explanation of the proceedings mentioned in the letter of the month of May, 1782, you receive here by Mr. Larkins's letter, which is dated the 5th of August, 1786, this account, which, to be sure, gives an amazing light into this business: it is a letter for which it was worth sending to Bengal, worth waiting for with all that anxious expectation with which men wait for great events. Upon the face of the account there is not one single word which can tend to illustrate the matter: he sums up the whole, and makes out that there was received five lac and fifty thousand rupees, that is to say, 55,000*l.*, out of the sum of nine lac and fifty thousand engaged to be paid: namely, —

From Dinagepore	4,00,000
From Nuddea	1,50,000
And from Patna	4,00,000
	9,50,000
	Or £ 95,000

Now you have got full light! *Cabooleat* signifies a contract, or an agreement; and this agreement was, to pay Mr. Hastings, as one should think, certain sums of money, — it does not say from whom, but only that such a sum of money was paid, and that there remains such a balance. When you come and compare the money received by Mr. Croftes with these cabooleats, you find that the cabooleats amount to 95,000*l.*, and that the receipt has been about 55,000*l.*, and that upon the face of this account there is 40,000*l.* somewhere

or other unaccounted for. There never was such a mode of account-keeping, except in the new system of this bribe exchequer.

Your Lordships will now see, from this luminous, satisfactory, and clear account, which could come from no other than a great accountant and a great financier, establishing some new system of finance, and recommending it to the world as superior to those old-fashioned foolish establishments, the Exchequer and Bank of England, what lights are received from Mr. Hastings.

However, it does so happen that from these obscure hints we have been able to institute examinations which have discovered such a mass of fraud, guilt, corruption, and oppression as probably never before existed since the beginning of the world; and in that darkness we hope and trust the diligence and zeal of the House of Commons will find light sufficient to make a full discovery of his base crimes. We hope and trust, that, after all his concealments, and though he appear resolved to die in the last dike of prevarication, all his artifices will not be able to secure him from the siege which the diligence of the House of Commons has laid to his corruptions.

Your Lordships will remark, in a paragraph, which, though it stands last, is the first in principle, in Mr. Larkins's letter, that, having before given his comment, he perorates, as is natural upon such an occasion. This peroration, as is usual in perorations, is in favor of the parties speaking it, and *ad conciliandum auditorem*. "Conscious," he says, "that the concern which I have had in these transactions needs neither an apology nor an excuse," — that is rather extraordinary, too! — "and that I have in no action of my life sacrificed the

duty and fidelity which I owed to my honorable employers either to the regard which I felt for another or to the advancement of my own fortune, I shall conclude this address, firmly relying upon the candor of those before whom it may be submitted for its being deemed a satisfactory as well as a circumstantial compliance with the requisition in conformity to which the information it affords has been furnished," — meaning, as your Lordships will see in the whole course of the letter, that he had written it in compliance with the requisition and in conformity to the information he had been furnished with by Mr. Hastings, — " without which it would have been as base as dishonorable for me spontaneously to have afforded it: for, though the duty which every man owes to himself should render him incapable of making an assertion not strictly true, no man actuated either by virtuous or honorable sentiments could mistakenly apprehend, that, unless he betrayed the confidence reposed in him by another, he might be deemed deficient in fidelity to his employers."

My Lords, here is, in my opinion, a discovery very well worthy your Lordships' attention; here is the accountant-general of the Company, who declares, and fixes it as a point of honor, that he would not have made a discovery so important to them, if Mr. Hastings himself had not authorized him to make it: a point to which he considers himself bound by his honor to adhere. Let us see what becomes of us, when the principle of honor is so debauched and perverted. A principle of honor, as long as it is connected with virtue, adds no small efficacy to its operation, and no small brilliancy and lustre to its appearance: but honor, the moment that it becomes unconnected with the duties of official function, with the relations of life,

and the eternal and immutable rules of morality, and appears in its substance alien to them, changes its nature, and, instead of justifying a breach of duty, aggravates all its mischiefs to an almost infinite degree; by the apparent lustre of the surface, it hides from you the baseness and deformity of the ground. Here is Mr. Hastings's agent, Mr. Larkins, the Company's general accountant, prefers his attachment to Mr. Hastings to his duty to the Company. Instead of the account which he ought to give to them in consequence of the trust reposed in him, he thinks himself bound by honor to Mr. Hastings, if Mr. Hastings had not called for that explanation, not to have given it: so that, whatever obscurity is in this explanation, it is because Mr. Hastings did not authorize or require him to give a clearer. Here is a principle of treacherous fidelity, of perfidious honor, of the faith of conspirators against their masters, the faith of robbers against the public, held up against the duty of an officer in a public situation. You see how they are bound to one another, and how they give their fidelity to keep the secrets of one another, to prevent the Directors having a true knowledge of their affairs; and I am sure, if you do not destroy this honor of conspirators and this faith of robbers, that there will be no other honor and no other fidelity among the servants in India. Mr. Larkins, your Lordships see, adheres to the principle of secrecy.

You will next remark that Mr. Hastings had as many bribe-factors as bribes. There was confidence to be reposed in each of them, and not one of these men appears to be in the confidence of another. You will find in this letter the policy, the frame, and constitution of this new exchequer. Mr. Croftes

seems to have known things which Mr. Larkins did not; Mr. Larkins knew things which Gunga Govind Sing did not; Gunga Govind Sing knew things which none of the rest of the confederates knew. Cantoo Baboo, who appears in this letter as a principal actor, was in a secret which Mr. Larkins did not know; it appears likewise, that there was a Persian moonshee in a secret of which Cantoo Baboo was ignorant; and it appears that Mr. Palmer was in the secret of a transaction not intrusted to any of the rest. Such is the labyrinth of this practical *painche*, or screw, that, if, for instance, you were endeavoring to trace backwards some transaction through Major Palmer, you would be stopped there, and must go back again; for it had begun with Cantoo Baboo. If in another you were to penetrate into the dark recess of the black breast of Cantoo Baboo, you could not go further; for it began with Gunga Govind Sing. If you pierce the breast of Gunga Govind Sing, you are again stopped; a Persian moonshee was the confidential agent. If you get beyond this, you find Mr. Larkins knew something which the others did not; and at last you find Mr. Hastings did not put entire confidence in any of them. You will see, by this letter, that he kept his accounts in all colors, black, white, and mezzotinto; that he kept them in all languages, — in Persian, in Bengalee, and in a language which, I believe, is neither Persian nor Bengalee, nor any other known in the world, but a language in which Mr. Hastings found it proper to keep his accounts and to transact his business. The persons carrying on the accounts are Mr. Larkins, an Englishman, Cantoo Baboo, a Gentoo, and a Persian moonshee, probably a Mahometan. So all languages, all religions, all descriptions of men are to keep the

account of these bribes, and to make out this valuable account which Mr. Larkins gave you!

Let us now see how far the memory, observation, and knowledge of the persons referred to can supply the want of them in Mr. Hastings. These accounts come at last, though late, from Mr. Larkins, who, I will venture to say, let the banians boast what they will, has skill perhaps equal to the best of them: he begins by explaining to you something concerning the present of the ten lac. I wish your Lordships always to take Mr. Hastings's word, where it can be had,—or Mr. Larkins's, who was the representative of and memory-keeper to Mr. Hastings; and then I may perhaps take the liberty of making some observations upon it.

Extract of a Letter from William Larkins, Accountant-General of Bengal, to the Chairman of the East India Company, dated 5th August, 1786.

"Mr. Hastings returned from Benares to Calcutta on the 5th February, 1782. At that time I was wholly ignorant of the letter which on the 20th January he wrote from Patna to the Secret Committee of the Honorable the Court of Directors. The rough draught of this letter, in the handwriting of Major Palmer, is now in my possession. Soon after his arrival at the Presidency, he requested me to form the account of his receipts and disbursements, which you will find journalized in the 280th, &c., and 307th pages of the Honorable Company's general books of the year 1781–2. My official situation as accountant-general had previously convinced me that Mr. Hastings could not have made the issues which were acknowledged

as received from him by some of the paymasters of the army, unless he had obtained some such supply as that which he afterwards, viz., on the 22d May, 1782, made known to me, when I immediately suggested to him the necessity of his transmitting that account which accompanied his letter of that date, till when the promise contained in his letter of 20th January had entirely escaped his recollection."

The first thing I would remark on this (and I believe your Lordships have rather gone before me in the remark) is, that Mr. Hastings came down to Calcutta on the 5th of February; that then, or a few days after, he calls to him his confidential and faithful friend, (not his official secretary, for he trusted none of his regular secretaries with these transactions,) — he calls him to help him to make out his accounts during his absence. You would imagine that at that time he trusted this man with his account. No such thing: he goes on with the accountant-general, accounting with him for money expended, without ever explaining to that accountant-general how that money came into his hands. Here, then, we have the accountant making out the account, and the person accounting. The accountant does not in any manner make an objection, and say, "Here you are giving me an account by which it appears that you have expended money, but you have not told me where you received it: how shall I make out a fair account of debtor and creditor between you and the Company?" He does no such thing. There lies a suspicion in his breast that Mr. Hastings must have taken some money in some irregular way, or he could not have made those payments. Mr. Larkins begins to suspect him. "Where did you lose this bodkin?"

said one lady to another, upon a certain occasion. "Pray, Madam, where did you find it?" Mr. Hastings, at the very moment of his life when confidence was required, even when making up his accounts with his accountant, never told him one word of the matter. You see he had no confidence in Mr. Larkins. This makes out one of the propositions I want to impress upon your Lordships' minds, that no one man did he let into every part of his transactions: a material circumstance, which will help to lead your Lordships' judgment in forming your opinion upon many parts of this cause.

You see that Mr. Larkins suspected him. Probably in consequence of those suspicions, or from some other cause, he at last told him, upon the 22d of May, 1782, (but why at that time, rather than at any other time, does not appear; and this we shall find very difficult to be accounted for,) — he told him that he had received a bribe from the Nabob of Oude, of 100,000*l*. He informs him of this on the 22d of May, which, when the accounts were making up, he conceals from him. And he communicates to him the rough draught of his letter to the Court of Directors, informing them that this business was not transacted by any known secretary of the Company, nor with the intervention of any interpreter of the Company, nor passed through any official channel whatever, but through a gentleman much in his confidence, his military secretary; and, as if receiving bribes, and receiving letters concerning them, and carrying on correspondence relative to them, was a part of military duty, the rough draught of this letter was in the hands of this military secretary. Upon the communication of the letter, it rushes all at once into the

mind of Mr Larkins, who knows Mr. Hastings's recollection, who knows what does and what does not escape it, and who had a memory ready to explode at Mr. Hastings's desire, "Good God!" says he, "you have promised the Directors an account of this business!" — a promise which Mr. Larkins assures the Directors, upon his word, had entirely escaped Mr. Hastings's recollection. Mr. Hastings, it seems, had totally forgotten the promise relative to the paltry sum of 100,000*l.* which he had made to the Court of Directors in the January before; he never once thought of it, no, not even when he was making up his accounts of that very identical sum, till the 22d of May. So that these persons answer for one another's bad memory: and you will see they have good reason. Mr. Hastings's want of recollection appears in things of some moment. However lightly he may regard the sum of 100,000*l.*, which, considering the enormous sums he has received, I dare say he does, — for he totally forgot it, he knew nothing about it, — observe what sort of memory this registrar and accountant of such sums as 100,000*l.* has. In what confusion of millions must it be, that such sums can be lost to Mr. Hastings's recollection! However, at last it was brought to his recollection, and he thought that it was necessary to give some account of it. And who is the accountant whom he produces? His own memory is no accountant. He had dismissed the matter (as he happily expresses it in the Cheltenham letter) from his memory. Major Palmer is not the accountant. One is astonished that a man who had had 100,000*l.* in his hands, and laid it out, as he pretends, in the public service, has not a scrap of paper to show for it. No ordinary or extraordinary account is given

of it. Well, what is to be done in such circumstances? He sends for a person whose name you have heard and will often hear of, the faithful Cantoo Baboo. This man comes to Mr. Larkins, and he reads to him (be so good as to remark the words) from a Bengal paper the account of the detached bribes. Your Lordships will observe that I have stated the receipt of a number of detached bribes, and a bribe in one great body: one, the great *corps d'armée;* the other, flying scouting bodies, which were only to be collected together by a skilful man who knew how to manage them, and regulate the motions of those wild and disorderly troops. When No. 2 was to be explained, Cantoo Baboo failed him; he was not worth a farthing as to any transaction that happened when Mr. Hastings was in the Upper Provinces, where though he was his faithful and constant attendant through the whole, yet he could give no account of it. Mr. Hastings's moonshee then reads three lines from a paper to Mr. Larkins. Now it is no way even insinuated that both the Bengal and Persian papers did not contain the account of other immense sums; and, indeed, from the circumstance of only three lines being read from the Persian paper, your Lordships will be able, in your own minds, to form some judgment upon this business.

I shall now proceed with his letter of explanation. "The particulars," he goes on to say, "of the paper No. 1 were read to me from a Bengal paper by Mr. Hastings's banian, Cantoo Baboo; and if I am not mistaken, the three first lines of that No. 2 were read over to me from a Persian paper by his moonshee. The translation of these particulars, made by me, was, as I verily believe, the first complete memorandum

that he ever possessed of them in the English language; and I am confident, that, if I had not suggested to him the necessity of his taking this precaution, he would at this moment have been unable to have afforded any such information concerning them."

Now, my Lords, if he had not got, on the intimation of Mr. Larkins, some scraps of paper, your Lordships might have at this day wanted that valuable information which Mr. Larkins has laid before you. These, however, contain, Mr. Larkins says, "the first complete" — what? — account, do you imagine? — no, "the first complete *memorandum*." You would imagine that he would himself, for his own use, have notched down, somewhere or other, in short-hand, in Persian characters, short without vowels, or in some other way, *memorandums*. But he had not himself even a memorandum of this business; and consequently, when he was at Cheltenham, and even here at your bar, he could never have had any account of a sum of 200,000*l*., but by this account of Mr. Larkins, taken, as people read them, from detached pieces of paper.

One would have expected that Mr. Larkins, being warned that day, and cautioned by the strange memory of Mr. Hastings, and the dangerous situation, therefore, in which he himself stood, would at least have been very guarded and cautious. Hear what he next says upon this subject. "As neither of the other sums passed through his hands, these" (meaning the scraps) "contained no such specification, and consequently could not enable him to afford the information with which he has requested me to furnish you; and it is more than probable, that, if the affidavit which I took on the 16th December, 1782, had

not exposed my character to the suspicion of my being capable of committing one of the basest trespasses upon the confidence of mankind, I should, at this distance of time, have been equally unable to have complied with this request: but after I became acquainted with the insinuation suggested in the Eleventh Report of the Select Committee of the House of Commons, I thought it but too probable, that, unless I was possessed of the original memorandum which I had made of these transactions, I might not at some distant period be able to prove that I had not descended to commit so base an action. I have therefore always most carefully preserved every paper which I possessed regarding these transactions."

You see that Mr. Hastings had no memorandums of his accounts; you see, that, after Mr. Larkins had made his memorandums of them, he had no design of guarding or keeping them; and you will commend those wicked and malicious committees who by their reports have told an accountant-general and first public officer of revenue, that, in order to guard his character from their suspicions, it was necessary that he should keep some paper or other of an account. We have heard of the base, wicked, and mercenary license that has been used by these gentlemen of India towards the House of Commons: a license to libel and traduce the diligence of the House of Commons, the purity of their motives, and the fidelity of their actions, by which the very means of informing the people are attempted to be used for the purpose of leaving them in darkness and delusion. But, my Lords, when the accountant-general declares, that, if the House of Commons had not

expressed, as they ought to express, much diffidence and distrust respecting these transactions, and even suspected him of perjury, this very day that man would not have produced a scrap of those papers to you, but might have turned them to the basest and most infamous of uses. If, I say, we have saved these valuable fragments by suspecting his integrity, your Lordships will see suspicion is of some use: and I hope the world will learn that punishment will be of use, too, in preventing such transactions.

Your Lordships have seen that no two persons knew anything of these transactions; you see that even memorandums of transactions of very great moment, some of which had passed in the year 1779, were not even so much as put in the shape of complete memoranda until May, 1782; you see that Mr. Hastings never kept them: and there is no reason to imagine that a black banian and a Persian moonshee would have been careful of what Mr. Hastings himself, who did not seem to stimulate his accountants to a vast deal of exactness and a vast deal of fidelity, was negligent. You see that Mr. Larkins, our last, our only hope, if he had not been suspected by the House of Commons, probably would never have kept these papers; and that you could not have had this valuable cargo, such as it is, if it had not been for the circumstance Mr. Larkins thinks proper to mention.

From the specimen which we have given of Mr. Hastings's mode of accounts, of its vouchers, checks, and counter-checks, your Lordships will have observed that the mode itself is past describing, and that the checks and counter-checks, instead of being put upon one another to prevent abuse, are put upon

each other to prevent discovery and to fortify abuse. When you hear that one man has an account of receipt, another of expenditure, another of control, you say that office is well constituted: but here is an office constituted by different persons without the smallest connection with each other; for the only purpose which they have ever answered is the purpose of base concealment.

We shall now proceed a little further with Mr. Larkins. The first of the papers from which he took the memoranda was a paper of Cantoo Baboo. It contained detached payments, amounting in the whole, with the cabooleat, or agreement, to about 95,000*l.* sterling, and of which it appears that there was received by Mr. Croftes 55,000*l.*, and no more.

Now will your Lordships be so good as to let it rest in your memory what sort of an exchequer this is, even with regard to its receipts? As your Lordships have seen the economy and constitution of this office, so now see the receipt. It appears that in the month of May, 1782, out of the sums beginning to be received in the month of Shawal, that is, in July, 1779, there was, during that interval, 40,000*l.* out of 95,000*l.* sunk somewhere, in some of the turnings over upon the gridiron, through some of those agents and panders of corruption which Mr. Hastings uses. Here is the *valuable* revenue of the Company, *which is to supply them in their exigencies, which is to come from sources which otherwise never would have yielded it*, — which, though small in proportion to the other revenue, yet is a diamond, something that by its value makes amends for its want of bulk, — falling short by 40,000*l.* out of 95,000*l.* Here is a system made for fraud, and producing all the effects of it.

Upon the face of this account, the agreement was to yield to Mr. Hastings, some way or other, to be paid to Mr. Croftes, 95,000*l.*, and there was a deficiency of 40,000*l.* Would any man, even with no more sense than Mr. Hastings, who wants all the faculties of the human mind, who has neither memory nor judgment, any man who was that poor half-idiot creature that Mr. Hastings pretends to be, engage in a dealing that was to extort from some one or other an agreement to pay 95,000*l.* which was not to produce more than 55,000*l.*? What, then, is become of it? Is it in the hands of Mr. Hastings's wicked bribe-brokers, or in his own hands? Is it in arrear? Do you know anything about it? Whom are you to apply to for information? Why, to G. G. S. — G. G. S. I find to be, what indeed I suspected him to be, a person that I have mentioned frequently to your Lordships, and that you will often hear of, commonly called Gunga Govind Sing, — in a short word, the wickedest of the whole race of banians: the consolidated wickedness of the whole body is to be found in this man.

Of the deficiency which appears in this agreement with somebody or other on the part of Mr. Hastings through Gunga Govind Sing you will expect to hear some explanation. Of the first sum, which is said to have been paid through Gunga Govind Sing, amounting on the cabooleat to four lac, and of which no more than two lac was actually received, — that is to say, half of it was sunk, — we have this memorandum only: "Although Mr. Hastings was extremely dissatisfied with the excuses Gunga Govind Sing assigned for not paying Mr. Croftes the sum stated by the paper No. 1 to be in his charge, he never could ob-

tain from him any further payments on this account." Mr. Hastings is exceedingly dissatisfied with those excuses, and this is the whole account of the transaction. This is the only thing said of Gunga Govind Sing in the account: he neither states how he came to be employed, or for what he was employed. It appears, however, from the transaction, as far as we can make our way through this darkness, that he had actually received 10,000*l.* of the money, which he did not account for, and that he pretended that there was an arrear of the rest. So here Mr. Hastings's bribe-agent admits that he had received 10,000*l.*, but he will not account for it; he says there is an arrear of another 10,000*l.*; and thus it appears that he was enabled to take from somebody at Dinagepore, by a cabooleat, 40,000*l.*, of which Mr. Hastings can get but 20,000*l.*: there is cent per cent loss upon it. Mr. Hastings was so exceedingly dissatisfied with this conduct of Gunga Govind Sing, that you would imagine a breach would have immediately ensued between them. I shall not anticipate what some of my honorable friends will bring before your Lordships; but I tell you, that, so far from quarrelling with Gunga Govind Sing, or being really angry with him, it is only a little pettish love quarrel with Gunga Govind Sing: *amantium iræ amoris integratio est.* For Gunga Govind Sing, without having paid him one shilling of this money, attended him to the Ganges; and one of the last acts of Mr. Hastings's government was to represent this man, who was unfaithful even to fraud, who did not keep the common faith of thieves and robbers, this very man he recommends to the Company as a person who ought to be rewarded, as one of their best and most faithful servants. And how

does he recommend him to be rewarded? By giving him the estate of another person, — the way in which Mr. Hastings desires to be always rewarded himself: for, in calling upon the Company's justice to give him some money for expenses with which he never charged them, he desires them to assign him the money upon some person of the country. So here Mr. Hastings recommends Gunga Govind Sing not only to trust, confidence, and employment, which he does very fully, but to a reward taken out of the substance of other people. This is what Mr. Hastings has done with Gunga Govind Sing; and if such are the effects of his anger, what must be the effect of his pleasure and satisfaction? Now I say that Mr. Hastings, who, in fact, saw this man amongst the very last with whom he had any communication in India, could not have so recommended him after this known fraud, in one business only, of 20,000*l.*, — he could not so have supported him, he could not so have caressed him, he could not so have employed him, he could not have done all this, unless he had paid to Mr. Hastings privately that sum of money which never was brought into any even of these miserable accounts, without some payment or other with which Mr. Hastings was and ought to be satisfied, or unless Gunga Govind Sing had some dishonorable secret to tell of him which he did not dare to provoke him to give a just account of, or, lastly, unless the original agreement was that half or a third of the bribe should go to Gunga Govind Sing.

Such is this patriotic scheme of bribery, this public-spirited corruption which Mr. Hastings has invented upon this occasion, and by which he thinks out of the vices of mankind to draw a better revenue than

out of any legal source whatever; and therefore he has resolved to become the most corrupt of all Governors-General, in order to be the most useful servant to the finances of the Company.

So much as to the first article of Dinagepore peshcush. All you have is, that G. G. S. is Gunga Govind Sing; that he has cheated the public of half of it; that Mr. Hastings was angry with him, and yet went away from Bengal, rewarding, praising, and caressing him. Are these things to pass as matters of course? They cannot so pass with your Lordships' sagacity: I will venture to say that no court, even of *pie-poudre*, could help finding him guilty upon such a matter, if such a court had to inquire into it.

The next article is *Patna*. Here, too, he was to receive 40,000*l.*; but from whom this deponent saith not. At this circumstance Mr. Larkins, who is a famous deponent, never hints once. You may look through his whole letter, which is a pretty long one, (and which I will save your Lordships the trouble of hearing read at length now, because you will have it before you when you come to the Patna business,) and you will only find that somebody had engaged to pay him 40,000*l.*, and that but half of this sum was received. You want an explanation of this. You have seen the kind of explanation given in the former case, a conjectural explanation of G. G. S. But when you come to the present case, who the person paying was, why the money was not paid, what the cause of failure was, you are not told: you only learn that there was that sum deficient; and Mr. Larkins, who is our last resort and final hope of elucidation in this transaction, throws not the small-

est glimpse of light upon it. We of the House of Commons have been reduced to form the best legitimate conjectures we could upon this business, and those conjectures have led us to further evidence, which will enable us to fix one of the most scandalous and most mischievous bribes, in all the circumstances of it, upon Mr. Hastings, that was ever known. If he extorted 40,000*l.* under pretence of the Company's service, here is again another failure of half the money. Oh, my Lords, you will find that even the remaining part was purchased with the loss of one of the best revenues in India, and with the grievous distress of a country that deserved well your protection, instead of being robbed to give 20,000*l.* to the Company, and another 20,000*l.* to some robber or other, black or white. When I say, given to some other robber, black or white, I do not suppose that either generosity, friendship, or even communion, can exist in that country between white men and black: no, their colors are not more adverse than their characters and tempers. There is not that *idem velle et idem nolle*, there are none of those habits of life, nothing, that can bind men together even in the most ordinary society: the mutual means of such an union do not exist between them. It is a money-dealing, and a money-dealing only, which can exist between them; and when you hear that a black man is favored, and that 20,000*l.* is pretended to be left in his hands, do not believe it: indeed, you cannot believe it; for we will bring evidence to show that there is no friendship between these people, — and that, when black men give money to a white man, it is a bribe, — and that, when money is given to a black man, he is only a sharer with the white man

in their infamous profits. We find, however, somebody, anonymous, with 20,000*l.* left in his hands; and when we come to discover who the man is, and the final balance which appears against him in his account with the Company, we find that for this 20,000*l.*, which was received for the Company, they paid such a compound interest as was never before paid for money advanced: the most violently griping usurer, in dealing with the most extravagant heir, never made such a bargain as Mr. Hastings has made for the Company by this bribe. Therefore it could be nothing but fraud that could have got him to have undertaken such a revenue. This evidently shows the whole to be a pretence to cover fraud, and not a weak attempt to raise a revenue, — and that Mr. Hastings was not that idiot he represents himself to be, a man forgetting all his offices, all his duties, all his own affairs, and all the public affairs. He does not, however, forget how to make a bargain to get money; but when the money is to be recovered for the Company, (as he says,) he forgets to recover it: so that the accuracy with which he begins a bribe, *acribus initiis et soporosâ fine*, and the carelessness with which he ends it, are things that characterize, not weakness and stupidity, but fraud.

The next article we proceed to is *Nuddea*. Here we have more light; but does Mr. Larkins anywhere tell you anything about Nuddea? No: it appears as if the account had been paid up, and that the cabooleat and the payments answer and tally with each other; yet, when we come to produce the evidence upon these parts, you will see most abundant reason to be assured that there is much more concealed than is given in this account, — that it is an account

current, and not an account closed, — and that the agreement was for some other and greater sum than appears. It might be expected that the Company would inquire of Mr. Hastings, and ask, "From whom did he get it? Who has received it? Who is to answer for it?" But he knew that they were not likely to make any inquiry at all, — they are not that kind of people. You would imagine that a mercantile body would have some of the mercantile excellencies, and even you would allow them perhaps some of the mercantile faults. But they have, like Mr. Hastings, forgotten totally the mercantile character; and, accordingly, neither accuracy nor fidelity of account do they ever require of Mr. Hastings. They have too much confidence in him; and he, accordingly, acts like a man in whom such confidence, without reason, is reposed.

Your Lordships may perhaps suppose that the payment of this money was an act of friendship and generosity in the people of the country. No: we have found out, and shall prove, from whom he got it; at least we shall produce such a conjecture upon it as your Lordships will think us bound to do, when we have such an account before us. Here on the face of the account there is no deficiency; but when we look into it, we find skulking in a corner a person called Nundulol, from whom there is received 58,000 rupees. You will find that he, who appears to have paid up this money, and which Mr. Hastings spent as he pleased in his journey to Benares, and who consequently must have had some trust reposed in him, was the wickedest of men, next to those I have mentioned, — always giving the first rank to Gunga Govind Sing, *primus inter pares*, the second

to Debi Sing, the third to Cantoo Baboo: this man is fit to be one next on a par with them. Mr. Larkins, when he comes to explain this article, says, "I believe it is for a part of the Dinagepore peshcush, which would reduce the balance to about 5,000*l.*": but he does not pretend to know what it is given for; he gives several guesses at it; "but," he says, "as I do not know, I shall not pretend to give more than my conjecture upon it." He is in the right; because we shall prove Nundulol never did have anything to do with the Dinagepore peshcush. These are very extraordinary proceedings. It is my business simply to state them to your Lordships now; we will give them in afterwards in evidence, and I will leave that evidence to be confirmed and fortified by further observations.

One of the objects of Mr. Larkins's letter is to illustrate the bonds. He says, "The two first stated sums" (namely, Dinagepore and Patna, in the paper marked No. 1, I suppose, for he seems to explain it to be such) "are sums for a part of which Mr. Hastings took two bonds: viz., No. 1539, dated 1st October, 1780, and No. 1540, dated 2d October, 1780, each for the sum of current rupees 1,16,000, or sicca rupees one lac. The remainder of that amount was carried to the credit of the head, *Four per Cent Remittance Loan:* Mr. Hastings having taken a bond for it, (No. 89,) which has been since completely liquidated, conformable to the law." But before I proceed with the bonds, I will beg leave to recall to your Lordships' recollection that Mr. Larkins states in his letter that these sums were received in November. How does this agree with another state of the transaction given by Mr. Hastings,

namely, that the time of his taking the bonds was the 1st and 2d of October? Mr. Larkins, therefore, who has thought proper to say that the money was received in the month of November, has here given as extraordinary an instance either of fraudulent accuracy or shameful official inaccuracy as was ever perhaps discovered. The first sums are asserted to be paid to Mr. Croftes on the 18th and 19th of Asin, 1187. The month of Asin corresponds with the month of September and part of October, and not with November; and it is the more extraordinary that Mr. Larkins should mistake this, because he is in an office which requires monthly payments, and consequently great monthly exactness, and a continual transfer from one month to another: we cannot suppose any accountant in England can be more accurately acquainted with the succession of months than Mr. Larkins must have been with the comparative state of Bengal and English months. How are we to account for this gross inaccuracy? If you have a poet, if you have a politician, if you have a moralist inaccurate, you know that these are cases which, from the narrow bounds of our weak faculties, do not perhaps admit of accuracy. But what is an inaccurate *accountant* good for? "Silly man, that dost not know thy own silly trade!" was once well said: but the trade here is not silly. You do not even praise an accountant for being accurate, because you have thousands of them; but you justly blame a public accountant who is guilty of a gross inaccuracy. But what end could his being inaccurate answer? Why not name October as well as November? I know no reason for it; but here is certainly a gross mistake; and, from the nature of

the thing, it is hardly possible to suppose it to be a mere mistake. But take it that it is a mistake, and to have nothing of fraud, but mere carelessness; this, in a man valued by Mr. Hastings for being very punctilious and accurate, is extraordinary.

But to return to the bonds. We find a bond taken in the month of Shawal, 1186, or 1779, but the receipt is said to be in Asin, 1780: that is to say, there was a year and about three months between the collection and the receipt; and during all that period of time an enormous sum of money had lain in the hands of Gunga Govind Sing, to be employed when Mr. Hastings should think fit. He employed it, he says, for the Mahratta expedition. Now he began that letter on the 29th of November by telling you that the bribe would not have been taken from Cheyt Sing, if it had not been at the instigation of an exigency which it seems required a supply of money, to be procured lawfully or unlawfully. But in fact there was no exigency for it before the Berar army came upon the borders of the country, — that army which he invited by his careless conduct towards the Rajah of Berar, and whose hostility he was obliged to buy off by a sum of money; and yet this bribe was taken from Cheyt Sing long before he had this occasion for it. The fund lay in Gunga Govind Sing's hands; and he afterwards applied to that purpose a part of this fund, which he must have taken without any view whatever to the Company's interest. This pretence of the exigency of the Company's affairs is the more extraordinary, because the first receipt of these moneys was some time in the year 1779 (I have not got the exact date of the agreement); and it was but a year before that the Company was so far from

being in distress, that he declared he should have, at very nearly the period when this bribe became payable, a very large sum (I do not recollect the precise amount) in their treasury. I cannot certainly tell when the cabooleat, or agreement, was made; yet I shall lay open something very extraordinary upon that subject, and will lead you, step by step, to the bloody scenes of Debi Sing. Whilst, therefore, Mr. Hastings was carrying on these transactions, he was carrying them on without any reference to the pretended object to which he afterwards applied them. It was an old, premeditated plan; and the money to be received could not have been designed for an exigency, because it was to be paid by monthly instalments. The case is the same with respect to the other cabooleats: it could not have been any momentary exigence which he had to provide for by these sums of money; they were paid regularly, period by period, as a constant, uniform income, to Mr. Hastings.

You find, then, Mr. Hastings first leaving this sum of money for a year and three months in the hands of Gunga Govind Sing; you find, that, when an exigence pressed him by the Mahrattas suddenly invading Bengal, and he was obliged to refer to his bribe-fund, he finds that fund empty, and that, in supplying money for this exigence, he takes a bond for two thirds of his own money and one third of the Company's. For, as I stated before, Mr. Larkins proves of one of these accounts, that he took, in the month of January, for this bribe-money, which, according to the principles he lays down, was the Company's money, three bonds as for money advanced from his own cash. Now this sum of three lacs, instead of being

all his own, as it should appear to be in the month of January, when he took the bonds, or two thirds his own and one third the Company's, as he said in his letter of the 29th of November, turns out, by Mr. Larkins's account, paragraph 9, which I wish to mark to your Lordships, to be two thirds the Company's money and one third his own; and yet it is all confounded under bonds, as if the money had been his own. What can you say to this heroic sharper disguised under the name of a patriot, when you find him to be nothing but a downright cheat, first taking money under the Company's name, then taking their securities to him for their own money, and afterwards entering a false account of them, contradicting that by another account? — and God knows whether the third be true or false. These are not things that I am to make out by any conclusion of mine; here they are, made out by himself and Mr. Larkins, and, comparing them with his letter of the 27th, you find a gross fraud covered by a direct falsehood.

We have now done with Mr. Larkins's account of the bonds, and are come to the other species of Mr. Hastings's frauds, (for there is a great variety in them,) and first to Cheyt Sing's bribe. Mr. Larkins came to the knowledge of the bond-money through Gunga Govind Sing and through Cantoo Baboo. Of this bribe he was not in the secret originally, but was afterwards made a confidant in it; it was carried to him; and the account he gives of it I will state to your Lordships.

"The fourth sum stated in Mr. Hastings's account was the produce of sundry payments made to me by Sadamund, Cheyt Sing's buckshee, who either brought or sent the gold mohurs to my house, from whence

they were taken by me to Mr. Croftes, either on the same night or early in the morning after: they were made at different times, and I well remember that the same people never came twice. On the 21st June, 1780, Mr. Hastings sent for me, and desired that I would take charge of a present that had been offered to him by Cheyt Sing's buckshee, under the plea of atoning for the opposition which he had made towards the payment of the extra subsidy for defraying part of the expenses of the war, but really in the hope of its inducing Mr. Hastings to give up that claim; with which view the present had first been offered. Mr. Hastings declared, that, although he would not take this for his own use, he would apply it to that of the Company, in removing Mr. Francis's objections to the want of a fund for defraying the extra expenses of Colonel Camac's detachment. On my return to the office, I wrote down the substance of what Mr. Hastings had said to me, and requested Mr. James Miller, my deputy, to seal it up with his own seal, and write upon it, that he had then done so at my request. He was no further informed of my motive for this than merely that it contained the substance of a conversation which had passed between me and another gentleman, which, in case that conversation should hereafter become the subject of inquiry, I wished to be able to adduce the memorandum then made of it, in corroboration of my own testimony; and although that paper has remained unopened to this hour, and notwithstanding that I kept no memorandum whatever of the substance thereof, yet, as I have wrote this representation under the most scrupulous adherence to what I conceived to be truth, should it ever become necessary to refer to this paper,

I am confident that it will not be found to differ materially from the substance of this representation."

I forgot to mention, that, besides these two bonds, which Mr. Hastings declared to be the Company's, and one bond his own, that he slipped into the place of the bond of his own a much better, namely, a bond of November, which he never mentioned to the Company till the 22d of May; and this bond for current rupees 1,74,000, or sicca rupees 1,50,000, was taken for the payment stated in the paper No. 1 to have been made to Mr. Croftes on the 11th Aghan, 1187, which corresponds to the 23d of November, 1780. This is the Nuddea money, and this is all that you know of it; you know that this money, for which he had taken this other bond from the Company, was not his own neither, but bribes taken from the other provinces.

I am ashamed to be troublesome to your Lordships in this dry affair, but the detection of fraud requires a good deal of patience and assiduity, and we cannot wander into anything that can relieve the mind: if it was in my power to do it, I would do it. I wish, however, to call your Lordships' attention to this last bribe before I quit these bonds. Such is the confusion, so complicated, so intricate are these bribe accounts, that there is always something left behind, glean never so much from the paragraphs of Mr. Hastings and Mr. Larkins. "I could not bring them to account," says Mr. Larkins. "They were received before the 1st and 2d of October." Why does not the running treasury account give an account of them? The Committee of the House of Commons examined whether the running treasury account had any such account of sums deposited. No such thing. They

are said by Mr. Hastings to be deposited in June: they were not deposited in October, nor any account of them given till the January following. "These bonds," says he, "I could not enter as regular money, to be entered on the Company's account, or in any public way, until I had had an order of the Governor-General and Council." But why had not you an order of the Governor-General and Council? We are not calling on you, Mr. Larkins, for an account of your conduct: we are calling upon Mr. Hastings for an account of his conduct, and which he refers to you to explain. Why did not Mr. Hastings order you to carry them to the public account? "Because," says he, "there was no other way." Every one who knows anything of a treasury or public banking-place knows, that if any person brings money as belonging to the public, that the public accountant is bound, no doubt, to receive it and enter it as such. "But," says he, "I could not do it until the account could be settled, as between debtor and creditor: I did not do it till I could put on one side durbar charges, secret service, to such an amount, and balance that again with bonds to Mr. Hastings." That is, he could not make an entry regularly in the Company's books until Mr. Hastings had enabled him to commit one of the grossest frauds and violations of a public trust that ever was committed, by ordering that money of the Company's to be considered as his own, and a bond to be taken as a security for it from the Company, as if it was his own.

But to proceed with this deposit. What is the substance of Mr. Larkins's explanation of it? The substance of this explanation is, that here was a bribe received by Mr. Hastings from Cheyt Sing, guarded

with such scrupulous secrecy that it was not carried to the house of Mr. Croftes, who was to receive it finally, but to the house of Mr. Larkins, as a less suspected place; and that it was conveyed in various sums, no two people ever returning twice with the various payments which made up that sum of 23,000*l.* or thereabouts. Now do you want an instance of prevarication and trickery in an account? If any person should inquire whether 23,000*l.* had been paid by Cheyt Sing to Mr. Hastings, there was not any one man living, or any person concerned in the transaction, except Mr Larkins, who received it, that could give an account of how much he received, or who brought it. As no two people are ever his confidants in the same transaction in Mr. Hastings's accounts, so here no two people are permitted to have any share whatever in bringing the several fragments that make up this sum. This bribe, you might imagine, would have been entered by Mr. Larkins to some public account, at least to the fraudulent account of Mr. Hastings. No such thing. It was never entered till the November following. It was not entered till Mr. Francis had left Calcutta. All these corrupt transactions were carried on privately by Mr. Hastings alone, without any signification to his colleagues of his carrying on this patriotic traffic, as he called it. Your Lordships will also consider both the person who employs such a fraudulent accountant, and his ideas of his duty in his office. These are matters for your Lordships' grave determination; but I appeal to you, upon the face of these accounts, whether you ever saw anything so gross,— and whether any man could be daring enough to attempt to impose upon the credulity of the weakest

of mankind, much more to impose upon such a court as this, such accounts as these are.

If the Company had a mind to inquire what is become of all the debts due to them, and where is the cabooleat, he refers them to Gunga Govind Sing. "Give us," say they, "an account of this balance that remains in your hands." "I know," says he, "of no balance." "Why, is there not a cabooleat?" "Where is it? What are the date and circumstances of it? There is no such cabooleat existing." This is the case even where you have the name of the person through whose hands the money passed. But suppose the inquiry went to the payments of the Patna cabooleat. "Here," they say, "we find half the money due: out of forty thousand pounds there is only twenty thousand received: give us some account of it." Who is to give an account of it? Here there is no mention made of the name of the person who had the cabooleat: whom can they call upon? Mr. Hastings does not remember; Mr. Larkins does not tell; they can learn nothing about it. If the Directors had a disposition, and were honest enough to the Proprietors and the nation to inquire into it, there is not a hint given, by either of those persons, who received the Nuddea, who received the Patna, who received the Dinagepore peshcush.

But in what court can a suit be instituted, and against whom, for the recovery of this balance of 40,000*l.* out of 95,000*l.*? I wish your Lordships to examine strictly this account,—to examine strictly every part, both of the account itself, and Mr. Larkins's explanation: compare them together, and divine, if you can, what remedy the Company could

have for their loss. Can your Lordships believe that this can be any other than a systematical, deliberate fraud, grossly conducted? I will not allow Mr. Hastings to be the man he represents himself to be: he was supposed to be a man of parts; I will only suppose him to be a man of mere common sense. Are these the accounts we should expect from such a man? And yet he and Mr. Larkins are to be magnified to heaven for great financiers; and this is to be called book-keeping! This is the Bengal account saved so miraculously on the 22d of May.

Next comes the Persian account. You have heard of a present to which it refers. It has been already stated, but it must be a good deal farther explained. Mr. Larkins states that this account was taken from a paper, of which three lines, and only three lines, were read to him by a Persian moonshee; and it is not pretended that this was the whole of it. The three lines read are as follows.

"From the Nabob" (meaning the Nabob of Oude) "to the Governor-General, six lac	£60,000
From Hussein Reza Khân and Hyder Beg Khân to ditto, three lac	30,000
And ditto to Mrs. Hastings, one lac . .	10,000."

Here, I say, are the three lines that were read by a Persian moonshee. Is he a man you can call to account for these particulars? No: he is an anonymous moonshee; his name is not so much as mentioned by Mr. Larkins, nor hinted at by Mr. Hastings; and you find these sums, which Mr. Hastings

mentions as a sum in gross given to himself, are not so. They were given by three persons: one, six lacs, was given by the Nabob to the Governor; another, of three lacs more, by Hussein Reza Khân [and Hyder Beg Khân?]; and a third, one lac, by both of them clubbing, as a present to Mrs. Hastings. This is the first discovery that appears of Mrs. Hastings having been concerned in receiving presents for the Governor-General and others, in addition to Gunga Govind Sing, Cantoo Baboo, and Mr. Croftes. Now, if this money was not received for the Company, is it proper and right to take it from Mrs. Hastings? Is there honor and justice in taking from a lady a gratuitous present made to her? Yet Mr. Hastings says he has applied it all to the Company's service. He has done ill, in suffering it to be received at all, if she has not justly and properly received it. Whether, in fact, she ever received this money at all, she not being upon the spot, as I can find, at the time, (though, to be sure, a present might be sent her,) I neither affirm nor deny, farther than that, as Mr. Larkins says, there was a sum of 10,000*l.* from these ministers to Mrs. Hastings. Whether she ever received any other money than this, I also neither affirm nor deny. But in whatever manner Mrs. Hastings received this or any other money, I must say, in this grave place in which I stand, that, if the wives of Governors-General, the wives of Presidents of Council, the wives of the principal officers of the India Company, through all the various departments, can receive presents, there is an end of the covenants, there is an end of the act of Parliament, there is an end to every power of restraint. Let a man be but married, and if his wife may take presents, that moment the acts of

Parliament, the covenants, and all the rest expire. There is something, too, in the manners of the East that makes this a much more dangerous practice. The people of the East, it is well known, have their zenanah, the apartment for their wives, as a sanctuary which nobody can enter, — a kind of holy of holies, a consecrated place, safe from the rage of war, safe from the fury of tyranny. The rapacity of man has here its bounds: here you shall come, and no farther. But if English ladies can go into these zenanahs and there receive presents, the natives of Hindostan cannot be said to have anything left of their own. Every one knows that in the wisest and best time of the Commonwealth of Rome, towards the latter end of it, (I do not mean the best time for morals, but the best for its knowledge how to correct evil government, and to choose the proper means for it,) it was an established rule, that no governor of a province should take his wife along with him into his province, — wives not being subject to the laws in the same manner as their husbands; and though I do not impute to any one any criminality here, I should think myself guilty of a scandalous dereliction of my duty, if I did not mention the fact to your Lordships. But I press it no further: here are the accounts, delivered in by Mr. Larkins at Mr. Hastings's own requisition.

The three lines which were read out of a Persian paper are followed by a long account of the several species in which this present was received, and converted by exchange into one common standard. Now, as these three lines of paper, which are said to have been read out of a Persian paper, contain an account of bribes to the amount of 100,000*l.*,

and as it is not even insinuated that this was the whole of the paper, but rather the contrary indirectly implied, I shall leave it for your Lordships, in your serious consideration. to judge what mines of bribery that paper might contain. For why did not Mr. Larkins get the whole of that paper read and translated? The moment any man stops in the midst of an account, he is stopping in the midst of a fraud.

My Lords, I have one farther remark to make upon these accounts. The cabooleats, or agreements for the payments of these bribes, amount, in the three specified provinces, to 95,000*l*. Do you believe that these provinces were thus particularly favored? Do you think that they were chosen as a little demesne for Mr. Hastings? that they were the only provinces honored with his protection, so far as to take bribes from them? Do you perceive anything in their local situation that should distinguish them from other provinces of Bengal? What is the reason why Dinagepore, Patna, Nuddea, should have the post of honor assigned them? What reason can be given for not taking bribes also from Burdwan, from Bissunpore, in short, from all the sixty-eight collections which comprise the revenues of Bengal, and for selecting only three? How came he, I say, to be so wicked a servant, that, out of sixty-eight divisions, he chose only three to supply the exigencies of the Company? He did not do his duty in making this distinction, if he thought that bribery was the best way of supplying the Company's treasury, and that it formed the most useful and effectual resource for them, — which he has declared over and over again. Was it right to lay the whole weight of bribery, ex-

tortion, and oppression upon those three provinces, and neglect the rest? No: you know, and must know, that he who extorts from three provinces will extort from twenty, if there are twenty. You have a standard, a measure of extortion, and that is all: *ex pede Herculem:* guess from thence what was extorted from all Bengal. Do you believe he could be so cruel to these provinces, so partial to the rest, as to charge them with that load, with 95,000*l.*, knowing the heavy oppression they were sinking under, and leave all the rest untouched? You will judge of what is concealed from us by what we have discovered through various means that have occurred, in consequence both of the guilty conscience of the person who confesses the fact with respect to these provinces, and of the vigor, perseverance, and sagacity of those who have forced from him that discovery. It is not, therefore, for me to say that the 100,000*l.* and 95,000*l.* only were taken. Where the circumstances entitle me to go on, I must not be stopped, but at the boundary where human nature has fixed a barrier.

You have now before you the true reason why he did not choose that this affair should come before a court of justice. Rather than this exposure should be made, he to-day would call for the mountains to cover him: he would prefer an inquiry into the business of the three seals, into anything foreign to the subject I am now discussing, in order to keep you from the discovery of that gross bribery, that shameful peculation, that abandoned prostitution and corruption, which he has practised with indemnity and impunity to this day, from one end of India to the other.

At the head of the only account we have of these transactions stands Dinagepore; and it now only remains for me to make some observations upon Mr. Hastings's proceedings in that province. Its name, then, and that money was taken from it, is all that appears; but from whom, by what hands, by what means, under what pretence it was taken, he has not told you, he has not told his employers. I believe, however, I can tell from whom it was taken, and I believe it will appear to your Lordships that it must have been taken from the unhappy Rajah of Dinagepore; and I shall in a very few words state the circumstances attending, and the service performed for it: from these you will be able to form a just opinion concerning this bribe.

Dinagepore, a large province, was possessed by an ancient family, the last of which, about the year 1184 of their era, the Rajah Bija Naut, had no legitimate issue. When he was at the point of death, he wished to exclude from the succession to the zemindary his half-brother, Cantoo Naut, with whom he had lived upon ill terms for many years, by adopting a son. Such an adoption, when a person has a half-brother, as he had, in my poor judgment is not countenanced by the Gentoo laws. But Gunga Govind Sing, who was placed, by the office he held, at the head of the registry, where the records were kept by which the rules of succession according to the custom of the country are ascertained, became master of these Gentoo laws; and through his means Mr. Hastings decreed in favor of the adoption. We find that immediately after this decree Gunga Govind Sing received a cabooleat on Dinagepore for the sum of 40,000*l.*, of which it appears that he has

actually exacted 30,000*l.*, though he has paid to Mr. Hastings only 20,000*l.* We find, before the young Rajah had been in possession a year, his natural guardians and relations, on one pretence or another, all turned out of their offices. The peshcush, or fixed annual rent, payable to the Company for his zemindary, fell into arrear, as might naturally be expected, from the Rajah's inability to pay both his rent and this exorbitant bribe, extorted from a ruined family. Instantly, under pretext of this arrearage, Gunga Govind Sing, and the fictitious Committee which Mr. Hastings had made for his wicked purposes, composed of Mr. Anderson, Mr. Shore, and Mr. Croftes, who were but the tools, as they tell us themselves, of Gunga Govind Sing, gave that monster of iniquity, Debi Sing, the government of this family. They put this noble infant, this miserable Rajah, together with the management of the provinces of Dinagepore and Rungpore, into his wicked and abominable hands, where the ravages he committed excited what was called a rebellion, that forced him to fly from the country, and into which I do not wonder he should be desirous that a political and not a juridical inquiry should be made. The savage barbarities which were there perpetrated I have already, in the execution of my duty, brought before this House and my country; and it will be seen, when we come to the proof, whether what I have asserted was the effect either of a deluded judgment or disordered imagination, and whether the facts I state cannot be substantiated by authentic reports, and were none of my invention, and, lastly, whether the means that were taken to discredit them do not infinitely aggravate the guilt of the offenders. Mr.

Hastings wanted to fly from judicial inquiry; he wanted to put Debi Sing anywhere but in a court of justice. A court of justice, where a direct assertion is brought forward, and a direct proof applied to it, is an element in which he cannot live for a moment. He would seek refuge anywhere, even in the very sanctuary of his accusers, rather than abide a trial with him in a court of justice. But the House of Commons was too just not to send him to this tribunal, whose justice they cannot doubt, whose penetration he cannot elude, and whose decision will justify those managers whose characters he attempted to defame.

But this is not all. We find, that, after the cruel sale of this infant, who was properly and directly under the guardianship of the Company, (for the Company acts as steward and dewan of the province, which office has the guardianship of minors,) after he had been robbed of 40,000*l.* by the hands of Gunga Govind Sing, and afterwards, under pretence of his being in debt to the Company, delivered into the hands of that monster, Debi Sing, Mr. Hastings, by way of anticipation of these charges, and in answer to them, has thought proper to produce the certificate from this unfortunate boy which I will now again read to you.

"I, Radanaut, Zemindar of Purgunnah Havelly Punjera, commonly called Dinagepore: — As it has been learnt by me, the mutsuddies, and the respectable officers of my zemindary, that the ministers of England are displeased with the late Governor, Warren Hastings, Esquire, upon the suspicion that he oppressed us, took money from us by deceit and

force, and ruined the country; therefore we, upon the strength of our religion, which we think it incumbent on and necessary for us to abide by, following the rules laid down in giving evidence, declare the particulars of the acts and deeds of Warren Hastings, Esquire, full of circumspection and caution, civility and justice, superior to the caution of the most learned, and, by representing what is fact, wipe away the doubts that have possessed the minds of the ministers of England: that Mr. Hastings is possessed of fidelity and confidence, and yielding protection to us; that he is clear of the contamination of mistrust and wrong, and his mind is free of covetousness or avarice. During the time of his administration, no one saw other conduct than that of protection to the husbandmen, and justice; no inhabitant ever experienced afflictions, no one ever felt oppression from him. Our reputations have always been guarded from attacks by his prudence, and our families have always been protected by his justice. He never omitted the smallest instance of kindness towards us, but healed the wounds of despair with the salve of consolation, by means of his benevolent and kind behavior, never permitting one of us to sink in the pit of despondence. He supported every one by his goodness, overset the designs of evil-minded men by his authority, tied the hands of oppression with the strong bandage of justice, and by these means expanded the pleasing appearance of happiness and joy over us. He reëstablished justice and impartiality. We were, during his government, in the enjoyment of perfect happiness and ease, and many of us are thankful and satisfied. As Mr. Hastings was well acquainted with our manners and customs, he

was always desirous, in every respect, of doing whatever would preserve our religious rites, and guard them against every kind of accident and injury, and at all times protected us. Whatever we have experienced from him, and whatever happened from him, we have written without deceit or exaggeration."

My Lords, this Radanaut, zemindar of the purgunnah, who, as your Lordships hear, bears evidence upon oath to all the great and good qualities of the Governor, and particularly to his absolute freedom from covetousness, — this person, to whom Mr. Hastings appeals, was, as the Committee state, a boy between five and six years old at the time when he was given into the hands of Debi Sing, and when Mr. Hastings left Bengal, which was in 1786 [1785 ?], was between eleven and twelve years old. This is the sort of testimony that Mr. Hastings produces, to prove that he was clear from all sort of extortion, oppression, and covetousness, in this very zemindary of Dinagepore. This boy, who is so observant, who is so penetrating, who is so accurate in his knowledge of the whole government of Mr. Hastings, was, I say, when he left his government, at the utmost, but eleven years and a half old. Now to what an extremity is this unhappy man at your bar driven, when, oppressed by this accumulative load of corruption charged upon him, and seeing his bribery, his prevarication, his fraudulent bonds brought before you, he gives the testimony of this child, who for the greatest part of his time lived three hundred miles from the seat of Mr. Hastings's government! Consider the miserable situation of this poor, unfortunate boy, made to swear, with all the solemnities of his

religion, that Mr. Hastings was never guilty in his province of any act of rapacity! Such are the testimonies, which are there called *razinamas*, in favor of Mr. Hastings, with which all India is said to sound. Do we attempt to conceal them from your Lordships? No, we bring them forth, to show you the wickedness of the man, who, after he has robbed innocence, after he has divided the spoil between Gunga Govind Sing and himself, gets the party robbed to perjure himself for his sake, — if such a creature is capable of being guilty of perjury. We have another razinama sent from Nuddea, by a person nearly under the same circumstances with Radanaut, namely, Maha Rajah Dirauje Seo Chund Behadre, only made to differ in some expressions from the former, that it might not appear to originate from the same hand. These miserable razinamas he delivers to you as the collected voice of the country, to show how ill-founded the impressions are which committees of the House of Commons (for to them they allude, I suppose) have taken concerning this man, during their inquiries into the management of the affairs of the Company in India.

Before I quit this subject, I have only to give you the opinion of Sir Elijah Impey, a name consecrated to respect forever, (your Lordships know him in this House as well as I do,) respecting these petitions and certificates of good behavior.

"From the reasons and sentiments that they contain," &c.*

The moment an Englishman appears, as this gentleman does, in the province of Dinagepore, to collect

* This document cannot be found.

certificates for Mr. Hastings, it is a command for them, the people, to say what he pleases.

And here, my Lords, I would wish to say something of the miserable situation of the people of that country; but it is not in my commission, and I must be silent, and shall only request your Lordships to observe how this crime of bribery grows in its magnitude. First, the bribe is taken, through Gunga Govind Sing, from this infant, for his succession to the zemindary. Next follows the removal from their offices, and consequent ruin, of all his nearest natural relations. Then the delivery of the province to Debi Sing, upon the pretence of the arrears due to the Company, with all the subsequent horrors committed under the management of that atrocious villain. And lastly, the gross subornation of perjury, in making this wretched minor, under twelve years of age, bear testimony upon oath to the good qualities of Mr. Hastings and of his government, — this minor, I say, who lived three hundred miles from the seat of his government, and who, if he knew anything at all of his own affairs, must have known that Mr. Hastings was the cause of all his sufferings.

My Lords, I have now gone through the whole of what I have in charge. I have laid before you the covenants by which the Company have thought fit to guard against the avarice and rapacity of their Governors. I have shown that they positively forbid the taking of all sorts of bribes and presents; and I have stated the means adopted by them for preventing the evasion of their orders, by directing, in all money transactions, the publicity of them. I have farther shown, that, in order to remove every temptation to

a breach of their orders, the next step was the framing a legal fiction, by which presents and money, under whatever pretence taken, were made the legal property of the Company, in order to enable them to recover them out of any rapacious hands that might violate the new act of Parliament. I have also stated this act of Parliament. I have stated Mr. Hastings's sense of it. I have stated the violation of it by his taking bribes from all quarters. I have stated the fraudulent bonds by which he claimed a security for money as his own which belonged to the Company. I have stated the series of frauds, prevarications, concealments, and all that mystery of iniquity, which I waded through with pain to myself, I am sure, and with infinite pain, I fear, to your Lordships. I have shown your Lordships that his evasions of the clear words of his covenant and the clear words of an act of Parliament were such as did not arise from an erroneous judgment, but from a corrupt intention; and I believe you will find that his attempt to evade the law aggravates infinitely his guilt in breaking it. In all this I have only *opened* to you the package of this business; I have opened it to ventilate it, and give air to it; I have opened it, that a quarantine might be performed, — that the sweet air of heaven, which is polluted by the poison it contains, might be let loose upon it, and that it may be aired and ventilated before your Lordships touch it. Those who follow me will endeavor to explain to your Lordships what Mr. Hastings has endeavored to involve in mystery, by bringing proof after proof that every bribe that was here concealed was taken with corrupt purposes and followed with the most pernicious conse-

quences. These are things which will be brought to you in proof. I have only regarded the system of bribery; I have endeavored to show that it is a system of mystery and concealment, and consequently a system of fraud.

You now see some of the means by which fortunes have been made by certain persons in India; you see the confederacies they have formed with one another for their mutual concealment and mutual support; you will see how they reply to their own deceitful inquiries by fraudulent answers; you will see that Cheltenham calls upon Calcutta, as one deep calls upon another, and that the call which is made for explanation is answered in mystery; in short, you will see the very constitution of their minds here developed.

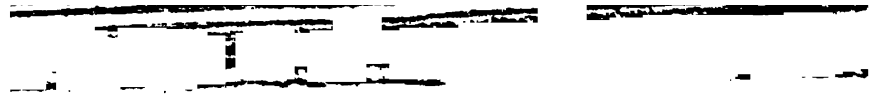
And now, my Lords, in what a situation are we all placed! This prosecution of the Commons, I wish to have it understood, and I am sure I shall not be disclaimed in it, is a prosecution not only for the punishing a delinquent, a prosecution not merely for preventing this and that offence, but it is a great censorial prosecution, for the purpose of preserving the manners, characters, and virtues that characterize the people of England. The situation in which we stand is dreadful. These people pour in upon us every day. They not only bring with them the wealth which they have acquired, but they bring with them into our country the vices by which it was acquired. Formerly the people of England were censured, and perhaps properly, with being a sullen, unsocial, cold, unpleasant race of men, and as inconstant as the climate in which they are born. These are the vices which the enemies of the king-

dom charged them with: and people are seldom charged with vices of which they do not in some measure partake. But nobody refused them the character of being an open-hearted, candid, liberal, plain, sincere people, — qualities which would cancel a thousand faults, if they had them. But if, by conniving at these frauds, you once teach the people of England a concealing, narrow, suspicious, guarded conduct, — if you teach them qualities directly the contrary to those by which they have hitherto been distinguished, — if you make them a nation of concealers, a nation of dissemblers, a nation of liars, a nation of forgers, — my Lords, if you, in one word, turn them into a people of *banians*, the character of England, that character which, more than our arms, and more than our commerce, has made us a great nation, the character of England will be gone and lost.

Our liberty is as much in danger as our honor and our national character. We, who here appear representing the Commons of England, are not wild enough not to tremble both for ourselves and for our constituents at the effect of riches. *Opum metuenda potestas.* We dread the operation of money. Do we not know that there are many men who wait, and who indeed hardly wait, the event of this prosecution, to let loose all the corrupt wealth of India, acquired by the oppression of that country, for the corruption of all the liberties of this, and to fill the Parliament with men who are now the object of its indignation? To-day the Commons of Great Britain prosecute the delinquents of India: to-morrow the delinquents of India may be the Commons of Great Britain. We know, I say, and feel the force of money; and we

now call upon your Lordships for justice in this cause of money. We call upon you for the preservation of our manners, of our virtues. We call upon you for our national character. We call upon you for our liberties; and hope that the freedom of the Commons will be preserved by the justice of the Lords.

END OF VOL. X.



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